

City Council Chamber, City Hall, Tuesday, May 4, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 4, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan and Ronald C. Green; Mr. Arturo Michel, City Attorney; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Addie Wiseman out of the city on city business. Council Member Shelley Sekula-Gibbs M.D., absent on city business. Council Member Michael Berry absent on personal business.

At 1:54 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Quan. Council Member Quan stated that May marked Older Americans Month and invited those present to the podium for his presentation. Council Member Quan stated that this was the Advisory Council for the Area Agency on Aging and senior citizens contributed to the growth, development and progress of the City and presented them a Proclamation commending organizers and participants and proclaimed May 2004 as "Older Americans Month" in Houston, Texas. A spokesperson stated that she was proud to be present representing older Americans that they had issues and problems but the City of Houston was behind them and willing to meet demands. Mayor White stated that in their meeting earlier he received much information and thanked them for their contributions; and Council Member Khan stated that he appreciated all their work also and their input was much needed. Council Member Quan stated that Ms. Francis Christian was Ms. Senior Houston and would be competing in Dallas and wished her well. Council Members Galloway, Goldberg and Holm absent.

Council Member Edwards invited Coach Joe Curl to the podium and stated that this was a great day for the City of Houston and the University of Houston Women's Basketball Team; that the university was home to some of the finest student athletes in the college systems and this women's basketball team reached all-time highs in the 2003/2004 season; that Houston finished this year with the highest season ever and the highest in the Conference USA history; and presented a Proclamation extending best wishes for continued success and proclaiming May 4th as "Lady Cougar's Basketball Day" in Houston, Texas. Coach Curl stated that they all wanted to thank the Mayor and Council for the honor and stated that they represented the City of Houston first and whatever they could do for the Council in community service they would. Council Member Goldberg absent.

Council Member Garcia stated that this was to an important group of folks; that the Houston Food Bank/National Association of Letter Carriers Annual Food Drive; that more than 750,000 Gulf coast residents lived in poverty and the Houston Food Bank was founded in 1982 and served more than 500 agencies; that letter carriers would be conducting a residence to residence food drive on May 8, 2004, and presented them a Proclamation saluting the letter carriers for their commitment to the challenge and worthwhile endeavor, wished them success and proclaimed May 8, 2004, as the "Houston Food Bank/National Association of Letter Carriers Day" in Houston, Texas. A spokesperson stated that on behalf of the National Association of Letter Carriers it was their 12th food drive and over that time they had collected over half a billion pounds of food and they enjoyed doing this. Council Member Holm absent.

Council Member Green invited those with HFD to the podium and stated that this was Arson Awareness Week which was to raise Americas consciousness; that this years observance would focus on the theme "Little hands plus little flames equal big Fires" and they were encouraging schools, etc., to work together to create and implement preventive measures; and presented a Proclamation proclaiming May 8th, 2004, as Arson Awareness Day" in Houston, Texas. Chief Trevino stated that arson was faced daily and firefighters and the Arson Division did a fantastic job. Council Members Galloway and Holm absent.

At 2:17 p.m. Mayor White called the meeting to order and Council Member Lawrence led all in the prayer and in the pledge of allegiance. Council Member Holm absent.

At 2:19 p.m. the City Secretary called the roll. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business.

Council Members Khan and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. MOTION ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Robin Holzer and Mr. Peter Brown after Mr. John Wilson, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. MOTION 2004-0458 ADOPTED.

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Mr. Paul Kubosh first under Non-Agenda speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. MOTION 2004-0459 ADOPTED.

Mr. Dick Druray, 1811 Ruiz, Houston, Texas 77002 (713-226-5401) appeared and stated that he was director of the Star of Hope Men's Development Center Downtown and was present to encourage the Mayor and Council to fortify and expand the borders of the civility ordinance; that they refused to think people were expendable and his organization along with others were ready to help the homeless grow spiritually, educationally, etc.

Council Member Alvarado commended Mr. Druray for supporting the civility ordinance into the Midtown area; that they had a petition sending a strong message of support and she commended his organization and others who turned the homeless back into a productive way of life.

Council Member Goldberg stated that he commended him and Cathy and Randy Taylor that they did more than anyone he knew in literally getting people off the street and he appreciated it.

Upon questions by Council Member Quan, Mr. Druray stated that they had two populations of men they served, one being the transient sector who were just coming in off the street and needing emergency help with food, clothing, etc., and they allowed them to be in the building as long as they were signed up for some type of social service opportunity and the second group was in a recovery program and a couple of them were present today; that he could not speak for other agencies, but during the hours where they could not be sleeping on the street they were allowed at their facility.

Mr. James King, 1811 Ruiz, Houston, Texas 77002 (713-226-5401) appeared and stated that for him being homeless was a miserable experience and he allowed himself to become lazy and irresponsible with low self esteem and into drinking and drugs; that because of the Star of Hope he did not drink or use drugs and there was purpose in his life; that he now had a good job at the Hilton Hotel; and encouraged all to support the Star of Hope.

Council Member Green thanked Mr. Green for sharing his story as it was a testament of what could be done and what he did and he did applaud him.

Mr. Theodore Schmitz, 1811 Ruiz, Houston, Texas 77002 (713-226-5401) appeared and stated that after his graduation he spent three years in the 82nd Airborne Division and after that got degrees in culinary arts and hotel administration and two years ago found himself homeless after the San Jacinto flood; that such adversity got him to seek help and enter the Star of Hope Recovery Program which he now completed; that the adversity he came across was what forced him to seek help and was why he was in support of the civility ordinance. Council Member Alvarado absent.

Council Member Green thanked Mr. Schmitz for sharing his story and for being supportive of changing the face of homelessness. Council Member Alvarado absent.

Council Member Edwards stated that she appreciated his work; and upon questions, Council Member Quan stated that the resolution on chronic homelessness did not tie in directly but encouraged individuals to take advantage of shelters and get off the streets. Upon further questions by Council Member Edwards, Council Member Ellis stated that the ordinance did go through Regulatory Affairs in 2002 and there was a provision giving the ability to expand which was what they were trying to do now. Council Member Edwards stated that if this was working why do it piece by piece and not citywide; and Mayor White stated that there would be testimony at the hearing tomorrow by HPD on the issue.

Council Member Khan stated that maybe they should ban this all around the City except in Downtown so they would be more aware of the problem instead of spreading it all over.

Mr. Paul Kubosh, 1619 Linda Vista, Houston, Texas 77028 (713-631-4198) appeared, presented information and stated that what he presented was an Attorney General opinion dealing with red light cameras; that recently the City of Richardson wanted to do it and the Attorney General concluded that the transportation code preempted any type of ability of a city to do anything that would be civil in nature such a red light runners, etc., and he would urge the Mayor and Council to be aware of the opinion as it said you could not use cameras to enforce traffic laws while they were civil offences; that secondly he wanted to address a matter coming up in the Houston Municipal Courts, currently they were attempting to go to a pre-trial setting in their court system and he would ask that the Mayor and Council consider not allowing that as it was a bad idea adding an extra setting to a citizen's court date and further backlog the system, it cost more and brought in less revenue; and a couple of judges at the county had now cut out the pre-trial settings.

Upon questions by Council Member Green, Mr. Kubosh stated that red light cameras were used in different jurisdictions, but for a camera system to be installed you had to turn over the intersection to the person running the camera and what happened when they turned over the intersection was the timing sequence was also turned over to them; that they received a percentage of the ticket so if you needed a four second yellow light to stop and then it was put down to three or four seconds then you had a violation; that in the last four sessions of the Legislature over the last eight years manufacturers tried to pass a bill and quoted statistics, but it did not dramatically decrease accidents and over 100 representatives in the last session voted down the bill to allow the cameras to be enforced. Upon further questions by Council Member Green. Mr. Kubosh discussed the timeframe of court settings, trials, etc., and invited him to go along with him on one of his dockets.

Council Member Quan stated that he was reading over the Attorney General's opinion; and upon questions, Mr. Kubosh stated that there was an argument to be made the cameras could be installed if it was kept criminal; that if the state did enact such a law it would be bad on the citizens because of the abuses they would have when the cameras were turned over; that he knew of no jurisdiction which kept the intersections and did not turn it over to the manufacturer because of the expertise and cost needed to run the cameras; that he also thought it would be bad because the ticket went to the owner of the vehicle and not the person driving the car; that the third problem with it was the officer was being taken out of the equation;

that if someone was drunk going through the intersection they had a picture and then he could continue and kill someone, whereas with an officer there he was pulled over and taken off the road, to take the officer out was not good law enforcement.

Upon questions by Council Member Goldberg, Mr. Kubosh stated that the camera program could not be instituted until the Legislature changed the law or they made it criminal and then they would have to identify the driver; that contracts he had seen from California had the manufacturer getting a percentage of each ticket. Council Member Khan absent.

Council Member Garcia thanked Mr. Kubosh for his interest in the issue and stated that he understood an officer at the intersection would in theory be the best way to approach red light violations, unfortunately, they could not get there and law enforcement had evolved over the years to depend on technology to help keep cities safer; that he spoke to jurisdictions who utilized this and most agreed it brought a dramatic change and improvement; and felt it was an opportunity to be looked at. Council Member Edwards absent.

Council Member Quan moved that the rules be suspended for the purpose of extending time for Council to question Mr. Paul Kubosh, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. Council Member Edwards absent. MOTION 2004-0460 ADOPTED.

Mayor White stated that with Mr. Kubosh's experience in court he had questions; and upon those questions, Mr. Kubosh stated that he handled between 30-50 people a day and averaging about 2-1/2 cases per person so he handled between 70-150 actual cases per day; that probably thousands were disposed of over a year and the dismissals included some cases which were absolute defenses such as really having insurance but just did not have a card on him at the time of ticket; that in cases which did not involve absolute defenses he would say a little less than half of his cases were dismissed and he thought it was an adversarial process; that half of those dismissed were because you had like a speeding and inspection or a red light and registration and it was a plea bargain situation; that if the City wanted all the money on every case then it would be eternal backlog and very greedy and he felt some cases should be dismissed especially when they had gotten the problem fixed. Council Members Edwards, Ellis and Quan absent.

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. Richard Johnson out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. Council Members Ellis and Quan absent. MOTION 2004-0461 ADOPTED.

Mr. Simon Solomon, 9030 Jutland, Houston, Texas 77033 (713-368-2000) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Ellis and Quan absent.

Mr. Augustine Castillo, 1103 Erin, Houston, Texas 77009 (832-656-7804) appeared and stated that he had been calling police about two addresses on a regular basis, one being 4111 Robertson where they cleaned pipes; that he lived two blocks from there and their speaker system was too loud; that he had called about 12 years and nothing happened and he would like a way to take care of it; that another was 1006-1/2 Henry where they used sidewalks and the street to run their business and that was also a 12 year project for him where nothing had happened; that they had other problems in the area such as encroachment and noise, but those were the main two. Council Members Goldberg, Ellis and Quan absent.

Council Member Garcia stated that he understood they had gotten details from him and they would be following up; that Chief Oettmeier was present and could speak with him about

getting response; that when citizens went through proper channels to get something done, it was up to them to let them know what was going on with it and asked Mayor White to see that he did get some feedback. Council Members Goldberg, Ellis and Quan absent.

Mr. Richard Johnson, 8738 Fannette, Houston, Texas 77029 (no phone) appeared and stated that he was present on behalf of the Richard Johnson Family Foundation to express their appreciation to the City of Houston for the help and support given at their First Annual Scholarship Awards dinner; that it was a grand success and they awarded 21 scholarships. Council Members Goldberg, Ellis and Quan absent.

Ms. Linda Range, 4000 Boyles, Houston, Texas 77020 (713-671-4130 had reserved time to speak but was not present when her name was called. Council Members Goldberg, Edwards, Ellis and Quan absent.

Mr. J B Bobbitt, 902 Mesa Terrace, Katy, Texas 77450 (281-395-4556) appeared and stated that he was president of the Student Government Association of the University of Houston Downtown and on behalf of the student body they took exception to misconceptions that Mr. Lee Hogan, chairman of the Mayor's Special Task Force on Economic Development, had about who what and where the UHD was; that statements he made could be interpreted to insinuate that UHD was a two year institution which did not provide quality undergraduate education which was not so as they were dedicated to providing access to education; that Mr. Hogans statement was untrue and they were asking Mayor White to understand their frustration when their efforts to enhance UHD standing were impeded by a Mayoral appointee. Council Members Goldberg, Edwards, Ellis and Quan absent.

Upon questions by Mayor White, Mr. Bobbitt stated that they did send a letter to Mr. Hogan, but they wanted to promote the image of UHD among all other Mayoral appointees, Council Members and all with the City. Council Members Goldberg, Edwards, Ellis and Quan absent.

Council Member Khan stated that the U of H Downtown was a fine institution which fulfilled a need and he totally agreed they did a fine job and wished them all the best. Council Members Goldberg, Edwards, Ellis and Quan absent.

Council Member Lawrence moved that the rules be suspended for the purpose of hearing from Mr. Robert Kruckemeyer and Mr. Jim Lemond at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. Council Members Goldberg, Edwards, Ellis and Quan absent. MOTION 2004-0462 ADOPTED.

Mr. Jim Kruckemeyer, 800 Commerce, Houston, Texas 77002 (713-226-5175) appeared and stated that he was representing Enterprise Rental Car and appreciated the chance they had to meet with Mr. Michel and Mr. Saperstein; that with regard to what was being considered by Council Enterprise would urge they replace in the ordinance a mandate to the Municipal Courts that information concerning parking citations be generated and provided to rental car companies as quickly as possible so they would have an opportunity to get the money back. Council Members Goldberg, Edwards, Ellis and Quan absent.

Mayor White thanked Mr. Kruckemeyer and stated that he did listen and it was a topic this morning and a reasonable request. Council Members Goldberg, Edwards, Ellis and Quan absent.

Mr. Jim Lemond, 910 Travis, Houston, Texas 77002 (713-650-2750) appeared and stated that the ordinance was due for consideration tomorrow and they would urge Council to add the 20 day notice provision as it would give ample time to go against the renter's credit cards and

the City would get immediate benefit. Council Members Goldberg and Ellis absent.

Mayor White thanked Mr. Lemond for working on this; that he had received good feedback from the City Attorney. Council Members Goldberg, Holm and Ellis absent.

Council Member Quan stated that he recognized the sooner people were notified the more likely to pay; and upon questions, Mayor White stated that they were in the process of gathering information he could be confident of before the vote; that he wanted to know how quickly citations and drivers license were entered into the database from time of issuance and there should be a match on line with the companies so part of the spirit of cooperation was working together to make it succeed; and upon questions, Mr. Michel stated that he thought the information could be entered in a couple of days; that the key was working out something with the companies, but there should be a quick way to do this electronically. Council Members Goldberg, Holm and Ellis absent.

Council Member Garcia stated that he appreciated the update and was excited about the Mayor's feedback; that it seemed they had done quite a bit of work and thanked the City Attorney also. Council Members Goldberg, Holm and Ellis absent.

Council Member Edwards stated that she thought they needed to look clearly at having a line item which would make that work or they may be setting up people for failure; and Mayor White stated that he was getting to the bottom of that today. Council Members Goldberg, Holm and Ellis absent.

Ms. Cozeters Sias, 12406 Clear River, Houston, Texas 77050 (281-442-0233) appeared, presented information and stated that she had worked for the City of Houston Parks & Recreation Department and on May 5, 2003, she fell at Crestmont Park; that her doctor wanted to give her a complete knee replacement, but the insurance was disputing his findings and she was present asking for help. Council Members Goldberg, Holm and Garcia absent.

Upon questions by Council Member Khan, Ms. Sias stated that her doctor recommended a complete knee replacement, but the insurance was disputing it and did not feel responsible. Council Members Goldberg, Holm and Garcia absent.

Upon questions by Council Member Galloway, Ms. Sias stated that her knee was injured in the fall, she had no precondition. Council Members Goldberg, Holm, Garcia and Quan absent.

Upon questions by Mayor White, Ms. Sias stated that she had no problem with the Texas Workers Compensation Committee, she just had a problem with the insurance; Mayor White stated that Mr. Chandler was present with Human Resources and could speak with her and put her in touch with the correct person and then Mr. Chandler would advise him. Council Members Goldberg, Holm, Ellis and Green absent.

Council Member Edwards stated that it was outrageous when a senior citizen had to beg to be treated and she would like a copy of whatever report Mayor White received. Council Members Goldberg, Holm, Ellis and Green absent.

Ms. Bessie Burks, 1004 Grove Street, Houston, Texas 77020 (713-228-2339) appeared and stated that on January 14th she was walking across the street and did not see the hole and was flipped into oncoming traffic, but a man ran out and picked her up; that on February 3rd she had surgery on her knee and she wrote to the city but her case was denied; that she was present trying to get something for her suffering and pain. Council Members Goldberg, Holm, Garcia and Ellis absent.

Upon questions by Council Member Edwards, Ms. Burks stated that her medical expenses

were taken care of; that she was not looking for a lawsuit, but they were responsible for the streets, but she was told no one knew about the street until she reported it. Council Members Goldberg, Holm, Garcia and Ellis absent.

Upon questions by Council Member Edwards, Mr. Michel stated that it was his understanding Ms. Burks had filed a claim with the city and it was denied on the basis of immunity, it was not liable for a premises defect or dangerous condition unless the city had actual acknowledge. Council Members Goldberg, Holm, Garcia, Ellis and Green absent. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Windenere, Houston, Texas 77008 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Holm, Garcia, Alvarado, Ellis and Green absent. (NO QUORUM PRESENT)

Mr. Larry Parr, 12345 Jones Road #287-12, Houston, Texas 77070 (281-890-3279) appeared and stated that he was present last month regarding third party inspections which was a have to be thing; that he would not develop in Houston because of time; and urged that the third party inspection be looked into and placed on the Agenda. Council Members Galloway, Holm, Garcia, Alvarado, Ellis and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence moved that the rules be suspended for the purpose of extending time to Mr. Larry Parr, seconded by Council Member Goldberg. No vote was recorded as a quorum was not present, but Mr. Parr was allowed to continue by consensus of those present. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. Council Members Galloway, Holm, Garcia, Alvarado, Ellis and Green absent. (NO QUORUM PRESENT)

Mr. Parr further stated that the GHBA constantly met and they did not want to come to Houston to build and develop and 73 other cities in Texas did allow third party inspection of some sort. Council Members Galloway, Garcia, Alvarado and Ellis absent.

Council Member Goldberg stated that he had a good point; that sloppy work was being done and when you ask an inspector why it was not pointed out he said it substantially complied and he was willing to give third party a shot, it could get no worse; that he was getting tired of going out and checking for citizens calling in; and upon questions, Mayor White stated that hundreds of citizens had participated in extensive sessions about how to speed up the permitting process and they could not afford to drive tax base outside Houston. Council Members Galloway, Garcia and Ellis absent.

Council Member Khan stated that a hospital was to be built in his district and their biggest concern was how to go about the permitting and inspection process and he was impressed it was on the Mayor's Agenda. Council Members Galloway and Ellis absent.

After a lengthy discussion Council Member Quan stated that he would ask the Administration to look into it; and Mayor White stated that a study was compiled and the ones really bogged down was where there was an average of three to five rejections and those were complex commercial and the ones that would add the most to the tax base; that he was a results guy and wanted opportunity created within the city limits; that the City did do it cheaper than rates charged in the private sector but he wanted it figured on how to get it done competently and quickly and the lowest cost to the taxpayer, but privatization was not always a panacea. Council Members Galloway, Holm and Ellis absent.

Council Member Edwards stated that she would like something in place whereby they would look at operational audits on how they processed permitting, etc., and Mayor White stated that her comment had broad applicability and he thought she would find it would be a model of

process redesign and they had done it in a way to include the design build community owners and employees; that it had taken about 3-1/2 months but as said earlier people were willing to pay more for better service and there would be more people needed doing it; that the plans clearance rate was great at 20 days but if something was wrong and rejected, but he was impressed that there were a lot of inspectors with a lot of experience and also found that sometimes an architect instead of saying his drawings were rejected made the City the source of the problem. Council Members Galloway and Ellis absent.

Mr. Mark Aguirre, 2011 Spenwick Drive #215, Houston, Texas 77055 (713-906-3973) had reserved time to speak but was not present when his name was called. Council Members Galloway and Ellis absent.

Lt. J. Hall, 2710 Pecan court, Missouri city, Texas 77459 (no phone) appeared and stated that when civil rights were violated he would speak out about it, particularly when it involved fellow police officers; that there was a longstanding practice of politicizing investigations and it moved to politicizing the assessment center and appointments of assistant chiefs; that if it was not going to be business as usual then they needed individuals who had proven they would speak out against such things in the past; that it seemed those who did not speak out were the ones rewarded; that he had a situation where an Internal Affairs investigation was conducted and documents were concealed from that and no one did anything about it; that also the assessment center had irregularities where they were not following procedures; that once before Diana Rathen came and spoke on this and asked for an investigation and nothing ever happened but currently she was part of the layoff; that he put together a record of complaint listing individuals who falsified documents in his investigation and when he spoke to Chief Heard he indicated he could take it to the US Attorney's Office; and he was asking for a level playing field on all ends. Council Members Lawrence, Galloway and Ellis absent.

Council Member Garcia stated that he appreciated Lt. Hall sitting with him and helping him understand his concerns and he did understand his frustration. Council Members Galloway and Ellis absent.

Upon questions by Council Member Edwards, Lt. Hall stated that in his situation there was an Internal Affairs investigation and some who were being considered for promotion now had falsified documents in that investigation and he wanted such individuals investigated prior to their appointment. Council Members Galloway and Ellis absent.

Mayor White stated that Lt. Hall had spoke to the Chief and so had he and he was familiar with some of the individuals and his remarks were being taken into consideration, but he would say that there would never be anyone nominated for a senior position in the department or elected to position who was free of accusations or free of making some errors. Council Members Galloway, Ellis and Quan absent.

Mr. James W. Forrester, 14811 Beatty, Humble, Texas 7796 (281-441-9199) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Ellis and Quan absent.

Mr. Don H. Peterson, 6122 N. Braeswood, Houston, Texas 77074 (713-774-6689) appeared, presented information and stated that he sent a letter to Mayor White last week describing what happened to his dog and could happen to anyone's pet; that problems he saw were communication, lack of funding and lack of people; and continued describing how his dog was lost, how he searched for her but did not find her and how eventually he was told his dog, Shadow, had been put to sleep; that no procedures in place were followed. Council Members Lawrence, Galloway, Goldberg, Edwards, Ellis and Quan absent. (NO QUORUM PRESENT)

Council Member Holm thanked Mr. Peterson for coming forward and stated that many

shared his concern in the process of how things were handled; that it did touch their hearts and he had her pledge this was an area which would be looked into. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr/Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) appeared and expressed his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 1122 Sol, Houston, Texas 77029 (713-649-8358) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Debra Hutchinson, 798 Holmes Road, Houston, Texas 77045 (713-644-7061) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Owen Wang, 3344 Crossview, Houston, Texas 77063 (713-780-2886) appeared, presented information and stated that he was present on the proposed tow truck ordinance; that he owned a company since 1985 and had 10 wreckers, but Council never did ask small business what they think they only ask big companies; that he was asking them to please think of the small businesses. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Wang stated that he was not at the meeting with Mr. Saperstein; that it was very hard for small business to work with the ordinance; that with what was proposed his business would be cut down, to participate you needed more money; that he operated in the southwest part of town. Mayor White, Council Members Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mary White, 13011 N. Brough, Houston, Texas 77067 (281-876-9658) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Wilson, 578 Woodland, Houston, Texas 77009 (713-528-3779) appeared, presented information and stated that he was executive director of the Galveston/Houston Association for Smog Prevention and a member of the Transportation and Technical Advisory Committee at the Houston/Galveston Area Council and today was present regarding the 2025 Regional Transportation Plan which he believed would have a large impact on the City of Houston and its quality of life and finances; that in every instance this plan was a failure and needed to be reworked; that the Transportation Policy Council was supposed to take action on this later this month and he was urging the City to intervene and speak out; that he was told the only one who may be able to make a difference was Mayor White and he did hope he would speak out and press hard for it to be reworked. Mayor White, Council Members Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Holm thanked Mr. Wilson for his participation and examination and as a member of the Transportation Policy Council she was facing the same questions and a concern was that it was being called a plan when in fact it was an accumulation of projects from different entities and what it meant and how it embraces; that the only thing the HGAC had authority over

was any federal funds they requested came through there and that was the key element they did not want to jeopardize; that she was spending hours and hours with the committee trying to come to an agreement and fair and equitable presentation the City could support, but most did share his concerns. Mayor White, Council Members Galloway, Goldberg, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green thanked Mr. Wilson for coming and stated that he like Council Member Holm were working feverishly on this; that they had only been on the committee three or four weeks and this was a process ongoing for three or four years; that this; that because this had such a great impact on the City of Houston they wanted to make sure that they received the dollars and that some of the impact could be spread around the surrounding cities; that all surrounding areas lead to Houston and that was why he felt they should have more of a say in it. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence thanked Mr. Wilson for coming and stated that she had a tremendous amount of E-mails on this and she called it a hypothesis by people who did not even live in Harris County to a great extent and quality of life issues had not been considered; that some were for 2023, but he should be reassured that they were all looking at it and it was very unrealistic at this point. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Peter Brown, 10 Waverly Court, Houston, Texas 77005 (713-520-6606) appeared, presented information and stated that in two of the public meetings he attended on the RTP 2025 it was said Houston had not really been a player in the formulation of the plan; that METRO had been a player and their solutions plan was in the RTP, but Houston had no plan and there was nothing to give the HGAC; that what he passed out was the table of contents of the compendium of plans that Blueprint Houston put together last year. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. Peter Brown to speak, seconded by Council Member Khan. No vote was recorded as a quorum was not present, but Mr. Brown was allowed to continue by consensus of those present. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Brown stated that Mayor White asked Mr. Litke, the Planning Director, to go to HGAC with applicable plans and ask that they please be taken into account and also asked that he prepare for the RTP 2028 by starting a planning process that would allow them in 2006 to have a Houston plan that would reinforce the tax base for the City to give to HGAC two years hence and he thought it should use the latest technology which allowed the citizens to express their opinion on what other cities called the preferred growth scenario. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Robin Holzer, 1306 Fairview Avenue, Houston, Texas 77006 (713-301-5716) appeared and stated that last week she had invited each Council Member and the Mayor to attend a forum on the regional transportation plan organized by Blueprint Houston and hosted by HGAC and did thank Council Members Green and Khan for attending, she did appreciate their commitment to the issue; that she also saw staff of Council Members Edwards, Garcia and Berry and thanked them; that there was standing room only and 35 made comments with their message being summed up as Houston citizens wanted to see changes made to the RTP before the Transportation Policy Council approved it and Council's help was needed to do so;

that they worked with HGAC to administer a one page survey where questions were asked and she expected to have the results for Council next week. Mayor White, Council Members Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he was hoping Mayor White would be present when this issue came up and he did hope the Mayor Pro Tem would forward the issue brought up to his attention; that he saw no plan, the premises of the whole RTP was 3,000,000 more people were coming to Houston by 2025 and that should be the job of urban planners to see where they were going to work, live and play; that this document only looked at one issue and that was where they would drive; that this was a great plan for the surrounding counties bringing the economic growth, but what was it doing to the City of Houston; and he hoped at the end they would have a real urban development plan. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Council Member Khan should rest assured that Mayor White and his staff were being briefed on a regular basis on the issue. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Holm stated that she again wanted to say this was not a plan and what they needed to work on at this point was how with reservations and comments they could make sure they were getting federal funding needed but still move forward with control over their projects; that a classic example of what they were doing in addressing it was they opened the Westpark Toll Road and it was great, however, it started at the western boundaries of the district in the county and took cars all the way to 610; that land was condemned through the city and it dramatically impacted subdivisions with no consideration, there was no landscaping, no buffer and no entrance or exits to the City, it totally utilized this City with dramatic impact and gave no benefits whatsoever. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that he was glad the two representatives to the HGAC were new Council Members because it took a while to get to know them; that they were right the Harris County Toll road Authority was accountable to no one; that they raised taxes again and were again charging for another public road; that they needed someone to reign in that authority and not let them build wherever they wanted; that he heard they wanted to build in Memorial Park and if they were not reigned in now there was no telling what they would do. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Tom McKittrick, 1111 Guinea Drive, Houston, Texas 77055 (713-465-4827) appeared and stated that he was present regarding the Regional Transportation Plan and many important comments had already been made; that he appreciated Council Member Goldberg's understanding of it and at least there was understanding that there were no checks and balances to the problem and yet a number of toll roads included in the RTP and many of those toll roads were also the same corridor which proposed commuter rail lines were shown in the RTP and both would never be built and if the toll was built first the rail may never go in; that one thing Mayor White was concerned with was driving the tax base outside the City limits and that was what the whole set of ideas was about, about driving them into the suburbs and the City of Houston needed to be protected; that it should be suggested people could come into Houston for jobs and medical services, etc., but not bring their cars; that he talked before about parking for 3,000,000 new residents which the RTP did not address; that people would come in on the toll roads and then there would be bottlenecks everywhere. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Holm thanked all who appeared on the issue and stated that it was Council's job to represent Houston the best way they could and many were good products but needed to be worked on in coordination, in a plan and with the recognition that this specific plan dealt with transportation and the impact the transportation had, it was not a massive plan for Houston's future and that needed to be addressed through other areas. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Ruby Cooper, 8814 Linda Vista, Houston, Texas 77028 (713-631-4198) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Elizabeth Forney, 1919 Runnels, Houston, Texas 77003 (281-536-4429) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and sang until his time expired. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. William Beal to speak by one minute, seconded by Council Member Khan. No vote was recorded as a quorum was not present, but Mr. Brown was allowed to continue by consensus of those present. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Beal further expressed his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) stated that he was calling for recall of Houston Mayor and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Mr. Horton had two beautiful little girls with him; that they were just like angels and he prayed for them and him. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green stated that he applauded Mr. Horton for getting youth involved in the process of government. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was not getting emergency protection and continued expressing

his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:08 p.m. City Council recessed until 9:00 a.m., Wednesday, May 5, 2004. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Member Berry absent on personal business. Mayor White, Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 5, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 5, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Addie Wiseman out of the city on city business.

At 8:20 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:17 Mayor Pro Tem Alvarado reconvened the meeting of the City Council and stated that the first order of business was a public hearing. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan and Garcia absent. (NO QUORUM PRESENT)

HEARINGS - 9:00 A.M.

1. City Council will conduct a review hearing under Section 370.002 of the Texas Local Government Code regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be abolished, continued or modified. Copies of the Curfew Ordinance, applicable State Law and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary - NOTE: This is a continuation of the hearing that commenced on April 28, 2004, as continued by Motion 2004-429 – was presented.

The City Secretary stated that listed on the agenda as Item No. 1 was a review hearing of the Juvenile Curfew Ordinance and Captain Murvel Yates, of the HPD Juvenile Division, was present and would make comments. Mayor White and Council Members Galloway, Goldberg, and Edwards absent. Mayor Pro Tem Alvarado presiding.

Captain Yates stated that when he last appeared before them on April 21, 2004 he presented the results of their latest study indicating the impact of the curfew ordinance on juvenile related crime over a 13 year period, as he indicated at that time part one crime committed by juveniles had decreased significantly since the enactment of the ordinance as well as juvenile victimization, the effects of an enforcement initiative mounted in Patrol District 11 last year, given as an example, demonstrated the positive effects of curfew enforcement on crime trends in the community, since the data indicated the curfew was being enforced fairly and indications were the curfew enjoyed wide public support, there were a number of questions asked and concerns expressed about specific issues, since that time he had endeavored to address those questions and concerns and trusted the Council Members had received adequate responses, they had been quite pleased with the favorable response to the study and with support for the curfew expressed at Council two weeks ago, that as he said at that time the curfew had been effective in reducing juvenile related crime and has been invaluable in their overall efforts to improve the quality of life in Houston, that on behalf of the Houston Police Department and Chief Hurtt he would like to thank each Council Member for standing behind

them, that he would like to thank each Council Member for careful consideration of reinstatement of the ordinance to provide the best quality of service possible to the citizens and maintaining an environment in which everyone could work, live and raise their families in safety. Mayor White and Council Members Galloway, Goldberg, and Edwards absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan asked Captain Yates if those responses were distributed to all Council Members or just those who asked questions, and Captain Yates stated that there were specific questions and requests that were distributed to the specific Council Members and there were also some information distributed to all Council Members, primarily the names and telephone numbers of the various Captains at the various patrol stations in response to the general consensus that more information was needed to know who to contact in the event that there were concerns regarding the curfew enforcement. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he knew Captain Yates had brought Judge Fraga also if they had any questions and stated that he would like to hear from Judge Fraga. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

The City Secretary stated that they had no public speakers on the hearing and asked if there was anyone present in the audience who did not sign up but would like to speak and no one indicated that they wished to speak. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Members, Judge Fraga stated that he was the assigned Associate Judge to the Municipal Court 12 that dealt with Juvenile Class C Misdemeanors for the City of Houston, that he was one of three Associate Judges assigned to court, they usually had four evenings of dockets dealing with Juvenile Class C and one of the crimes that they heard or had jurisdiction over were curfews and he heard probably a majority of them, that just using Monday nights docket probably out of every 10 that were heard about 4 to 5 dealt with either the day or night curfew, that the way the citations were ticketed it was to the juvenile who had violated the City code dealing with the curfew, either day or night, the law required by due process that either the parent or guardian or court ordered guardian be present with the juvenile if he or she was under the age of 17, the ordinance for the City of Houston was for young people under the age of 18 for both day or night and it was up to the discretion of the court or judge that hears the case if the 17 year old was present without a parent or guardian to inquire why the parent was not there and the judge makes the decision if the judge should proceed without the parent, that according to the Class C Code of Criminal Procedure and the Penal Code, Class C's could be up to \$500, but typically, and not usually himself but other judges, fines were imposed or recommended fines were somewhere between \$100 to \$150 with the cost of court being \$69, so it was more or less about \$205 depending on which judge made the determination, that the recidivism, they believed on the curfew, and he had no data, but strictly when he was presiding, he believed it was probably less than 20% dealing with curfew tickets alone, but it did not mean that he would not see that same young defendant for education code violation or for a transportation violation of some type but dealing strictly with curfew ticket there seemed to be very low in recidivism for that individual, that in his experience the vast majority of the parents were not aware of the City Ordinance that dealt with the curfew in particular the daytime curfew, they were aware of the nighttime curfew, and he believed that a lot of the parents used the curfew ordinance for both day and night as a helpful parenting skill that make their child be more law conscious by a young citizen, that it served the parents as an additional skill to help parenting especially dealing with young people who were 15 or 16, that he found that it had more influence in the daytime to have kids off the streets and in school and thought it helped the school districts because they had about 26 public school districts in the greater Houston area from which they heard cases of young people. Mayor White and Council Members Goldberg and Holm absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Members, Captain Yates stated that the daytime curfew hours were between 9:00 a.m. and 2:30 p.m., if a child is out of school at those hours was subject to enforcement of the Curfew Ordinance, that they enforce it on private property such as shopping malls, that if any of their constituents had an ongoing issue, like kids gathering in the mall, all they had to do was call the police and they would dispatch a unit and investigate, if the child was not there on a sponsored program or some other activity that was approved they were subject to enforcement of the Curfew Ordinance, that the ordinance was applicable all over Houston, that the purpose of the ordinance was to address the rising crime rate involving juveniles, both as perpetrators and as victims, they were also concerned about a growing gang problem in Houston back in 1991 when the ordinance was first enacted, that their analysis indicated a clear correlation between curfew enforcement and juvenile crime, gang activity as well, that young people in the courts were probably picked up for both curfew and gang activity, that he was not sure of the percentages, they compared the statistics regarding the crime rates involving juveniles with the enforcement rates of the ordinance and over a 13 year period there was a clear correlation, that he believed in 2003, which was the last full year they had, there was a little less than 9,000 citations issued citywide, that as to parents being informed about the issue, he thought that there had been a number of educational efforts to inform parents about the curfew, especially early on right after it was adopted, that the parent could be cited as well, but they have found, and he had heard many personal testimonies that it was an extremely valuable tool for parents, it gave them leverage in helping to control their child's activities, that he sincerely believed the ordinance was helping to curtail gang activity as well as juvenile crime overall, and believed their analysis supported that, that the data he provided was mostly for District B because Council Member Galloway had requested information about the location of enforcement in her district, that all they included in the report to her were police districts that fell within her Council District, it did not include numbers in police districts that overlapped in other Council Districts so it was going to be a low figure, and Council Member Quan asked if he could give him the raw numbers he would appreciate a follow up on it, for the whole City, and Captain Yates stated that it was included in the information he provided, that the City was divided into police districts and those districts were divided into police beats, that he could provide Council Member Quan with a map that would show him exactly where those police districts and beats were; that they had a very good working relationship with all of the police departments in the various school districts, especially HISD, that they did have a free flow of exchange of information regarding what was going on at the various campuses and so forth.

After further discussion, Council Member Garcia moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Sekula-Gibbs absent. MOTION 2004-0463 ADOPTED.

- 1a. ORDINANCE continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0384 ADOPTED.
2. PUBLIC HEARING to consider an extension on the requirements of Article XVI of the Code of Ordinances, pertaining to the lying and sitting on public sidewalks, to a designated area within the City other than the Central Business District. The area affected by this hearing is generally known as the Midtown Designated Area as described by the Tax Increment Redevelopment Zone Number 2. The petition is available for viewing in the Office of the City Secretary, 900 Bagby, City Hall Annex, Public Level - **DISTRICTS D - EDWARDS and I - ALVARADO**

The City Secretary stated that next item was a public hearing to consider the extension of the requirements of sections in the Code of Ordinances pertaining to the laying and sitting public sidewalks in the designated area commonly known as Midtown and Mr. Gilbert Douglas was present to make remarks and introduce those who would make remarks.

Mr. Douglas stated that he was an attorney with the Legal Department, that the public hearing today concerned an ordinance that was adopted by the City Council in 2001, which prohibited certain conduct on public sidewalks, including lying, sitting down and depositing personal effects, the ordinance in 2001 also made some changes to aggressive panhandling ordinances and trash receptacle rummages, but those remained citywide so the only issue for the hearing was the proposed extension of the sidewalk prohibition to an area commonly known as midtown, that the 2001 ordinance only applied those particular restrictions on use of the sidewalks between 7:00 a.m. and 11:00 p.m. to the central business district, however after a number of hearings in front of the Regulatory Affairs Committee it was felt that similar problems might occur elsewhere in the City so a petition process was drafted in the ordinance by which citizens in the affected area could petition the Council and hold a public hearing to consider whether sidewalk conduct issues could be extended to a separate geographic area other than the central business district, that the matter before them was a fact finding hearing on the issue, no ordinance had been prepared yet, however if it was the sense of the Council that one should be that could be accomplished, the petition must contain signatures of property owners whose property represented 20% of the total area to be designated and contain the signatures of at least 100 citizens residing within the area and collected within a 60 day period, that the City Secretary, with the assistance of the Planning Department, had certified that the petition met the requirements of the ordinance and there were two components to the public hearing, first the Police Department had been requested, pursuant to the ordinance, to report to the City Council on the existence of the kind of conduct that the ordinance was designed to control in the proposed area, and secondly any interested person may comment to the Council on the proposed extension. Council Member Garcia absent.

Captain George Munich, Special Operations Downtown, stated that with him today was Captain Dwayne Ready, South Central Patrol, which was responsible for the Midtown area, that they were present to discuss the proposed expansion of the current Civility Ordinance, that he would give a brief history of the ordinance downtown and Captain Ready would provide the specifics of the Midtown area, that prior to June 18, 2002, Houston Police officers had difficulty dealing with civility violations, there were vague laws on the books which were difficult to enforce and were largely inadequate, the new Civility Ordinance closed all the loopholes and provided officers the tools that they needed, that City Council Member Ellis, who was Chairman of the Regulatory Affairs Committee, which drafted the current ordinance and Council Member Alvarado also worked closely with the Police Department, the Downtown Management District and homeless coalitions to obtain agreements among the stakeholders and everybody that was involved in the issue, the Civility Ordinance addressed aggressive and dangerous behavior, not social status, it focused on conduct not on the homeless population, the Downtown Civility Ordinance made it illegal to remove contents that had been placed out for collection of garbage, also known as dumpster diving, aggressive panhandling at ATM's, gas pumps, pay phones, parking meters, parking collection boxes and transit facilities, that aggressive panhandling within 8 feet of a person after a request is made to discontinue, sitting or lying upon a public sidewalk between the hours of 7:00 a.m. and 11:00 p.m., it also prohibited placing items of bedding and personal possessions on a sidewalk, that panhandling, sleeping on the sidewalks and people rummaging through trash receptacles created the appearance of disorder and caused fear in people, that HPD preferred compliance with all laws, however the ordinance was needed to give HPD the lawful authority to enforce violations where street people chose not to comply with the law, that on August 6, 2003, the Houston Chronicle ran an article titled "Residents Want Civility Ordinance to Cover Midtown", the article stated that the relative success of Houston's Downtown Civility Ordinance had pushed the growing number of homeless people into adjoining neighborhoods, that Captain Ready would tell them about the problems that Midtown was now experiencing. Council Member Berry absent.

Captain Ready stated that he would share a little information with them on what they were able to collect at the South Central Division, that as they knew Midtown was a fastly growing economic area and predicted that it would be such for some time, that many of the complaints that he received concerned issues that were not currently a violation of the law, sleeping on the

sidewalks and storing their bedding on the sidewalks was part of that, the aggressive panhandling was already a citywide ordinance that they could enforce, but sleeping on the sidewalks and storing their bedding on the sidewalks was not, that some of the behaviors they were talking about today did promulgate other activities such as urinating in public, public intoxication and other types of behavior, that what he did in October was start a SARA Project, (Scan, Analyze, Respond and Assist) and was a comprehensive problem solving strategy to combat crime and disorder, that he started it around the Greyhound Bus Station at 2121 Main for a five block area around it and the reason he did that was because the Texas Department of Criminal Justice regularly discharged felons and parolee's to Houston via that bus station and many of those people were often not from the Houston area and did not have a support structure in place to help them transition to civilian life, that also they had the Texas Board of Pardons and Paroles which maintained an office at 2410 Hamilton, some of the felons and parolees did become homeless and resorted to panhandling to survive and a result of that often ended up sleeping on the sidewalks if they did not go to another shelter in the nearby area, and they did have several shelters in the Midtown area, that they become involved in crimes of opportunity, such as theft and assault and some of the things he mentioned earlier, to give them a breakdown of what he saw in the SARA Project, although the five block radius comprised approximately 10% of the Midtown District almost 37% of reported crime occurred in that area, that he had it broken down by Part 1 and Part 2, but thought what was more important was when they talked about crime and disorder and talked about sleeping on the sidewalks and obstructing the sidewalk specifically all they had at their disposal right now was Section 40-11 of the City Ordinance, Obstructing Sidewalks with Boxes, Materials, Vehicles, Etc. and the Texas Penal Code, Section 42.03, which prohibited obstructing highways and passageways which was interpreted to include sidewalks, the problem with that was that the courts had defined obstruct to mean rendered impassable, so if they were simply sleeping on the sidewalk and there was no other construction or obstacles around and they could go around the person it was not an enforceable law as they had come to know, that the scope of the problem as they had been able to determine it, and he had passed around a package of pictures for Council to review, was really around the 1500 to 1700 block of Gray, the 1700 block of Webster, the 4000 block of Main and of course around the Greyhound Bus Station, that he talked about earlier, if they looked at crime though and looked at the South Central Division as a whole, his district, District 10, and compared the crime from 2002 to 2003 for the calendar year, most of all the Part 1 crimes, and those were crimes against the persons and property were down, the only crime that was up in his district, from 2002 to 2003 was robbery, which was up by 9% and he suspected, if they went back and read the articles about the number of robbery suspects or robbery parolees that were being sent to Houston by TDC, they would see that there might be a correlation, he could not say that for sure one way or the other, that all he could say was that all other Part 1 crime was down, however if they looked at Part 2 crime, which involved some of the activity that he talked about, prostitution, vandalism, narcotics, drunkenness and that kind they would see that crime was up, what was interesting was that drunkenness was up in the district by 12% but he was talking about the whole district, but if they looked just at Midtown and looked at from January to December, the same period from 2002 to 2003, they would see that theft was up 11.5% in 10 Henry 40's beat, that he was just talking about 10 Henry 40's beat because Midtown comprised just about the whole beat and he did share part of Midtown with Central Division, which was one district and was Captain Glen York, but he really only had the northwestern part of Midtown which was on the west side of Louisiana, he had the majority of Midtown within his area, but if they looked at just Midtown for the same time period, 2002 to 2003, they would see that robbery was up by 13.5%, aggravated assault was up 33.9%, theft up 11.5%, burglary of motor vehicles was up a little over 20%, assault up 14%, criminal trespass up 89% and narcotic activity up 46%, that he would only say that to make this point, although Part 2 crimes were up marginally and Part 1 crimes were down, Part 2 crimes were up disproportionately speaking within 10 Henry 40's beat, which was Midtown itself, that he was not present to propose or advocate one way or another concerning the ordinance, the position of the Police Department was one of neutrality, although it would provide one more tool for the Police Department when they met those who did not wish to be compliant with their requests. Council Members Galloway and Berry absent.

Captain Munich and Captain Ready were questioned at length by Members of Council and Council Member Edwards requested an analysis of what the ordinance had done and why could they not do it citywide if it was working, and would also like to know why the current laws did not protect their citizens from those types of incidents.

Mr. Dan Bryan, 6524 San Felipe, No. 129, Houston, Texas 77057 (713-266-9280) appeared and stated that since he and his colleagues had started working on the petition, about 15 months ago, he had a real opportunity to study the homeless problem and the effects of the homeless problem on Midtown and it had been very revealing, they had seen the effects in Midtown and seen how the homeless situation had retarded the growth and revitalization of Midtown, more specifically having talked to HPD he had learned that over half the that was committed in Midtown was committed by the homeless, a very significant figure, that besides that they had a very large sanitation problem, the trash and litter and human waste left behind was enormous, just in the small property that he managed in Midtown, a very small retail center, he had to pay a man \$500 per month to go to the property four days a week just to clean up after the homeless, if they considered that it was a small property and they extrapolate the other bigger properties in Midtown, they could see the financial burden it could put on the community, very significant, of course lying down and sitting on the sidewalks brought other problems with it, where there were retail stores involved those people were lying and sitting in front of retail stores and it drives off shoppers, people were intimidated, even store owners, particularly if they were female, were afraid to approach them, so it hurt business in a lot of different ways, not to mention the revitalization of Midtown, he suspected it was one of the biggest impediments to the revitalization of Midtown, that he had talked to a lot of professionals that operated shelters and tried to study the problem and had been very heartened by all the programs that were available and particularly heartened by the role the police were playing in routing the homeless to the shelters, that was probably one of the things that encouraged him the most about extending it to Midtown because it did not criminalize the homeless. Council Members Galloway and Alvarado absent.

Upon questions by Council Member Edwards, Mr. Bryan stated that all his research had been done in Midtown and all the conclusions were based on facts he gathered in Midtown and really would not be qualified to comment on other areas, that he would say that if the same effects happened elsewhere they had the legal basis, as Mr. Douglas pointed out, to move forward it certainly would be worth it to take a look at it.

Ms. Edna Ramos, 1120 Texas, Houston, Texas 77002 (713-225-1530) appeared and stated that she was present to add her voice to the many voices that were expressing the need to extend the Civility Ordinance from downtown to Midtown, that as a downtown resident since 1999 she had experienced first hand the benefits that the prohibition to speak on the sidewalks from 7:00 a.m. to 11:00 p.m. had brought to the area since its beginning in 2002, but as the head of the Downtown and Midtown Residents Association for almost two years she was painfully aware of the battle that Midtown residents and business owners faced daily due to the high concentration of street people in central Houston and the lack of the civility tool that was available downtown but not in Midtown, when street people were allowed to sleep in public areas during day hours a community's image suffered in various ways, from the obvious, littering and human waste that was usually left behind to the more intangible ramifications on decreased property values and the reluctance of potential residents and business operators to buy, rent residents or open businesses in that environment, that for whatever reason street people found themselves in that lifestyle the Civility Ordinance in downtown had proved that the police officers intervention was a positive influence, officers made street people aware of the shelters and help available to them, providing the information and encouragement that the depressed individuals or those lacking initiative needed in order to go where they needed to get help, it was her belief that the lack of the civility tool in Midtown was only aggravating the serious prostitution and drug problems that certain parts of Midtown suffered today, what better support to the extension of the Civility Ordinance to Midtown than the words from the three men

from the Star of Hope who spoke to them at the public session yesterday afternoon, one of them from the shelters management side but the other two, former homeless, today productive members of society thanks to the help they received from the shelter, what better support to the extension of the Civility Ordinance to Midtown than the words from the Houston Police Department members that they heard from today, and lastly what better support to the extension of the Civility Ordinance to Midtown than the hundreds of signatures from Midtown residents and business owners who wholeheartedly desired the petition to be approved by the City Council, those signatures easily and quickly exceed the minimum required to the City by the City of Houston to bring the petition in front of the City Council, that she thanked them for their time and consideration.

Mr. Noel Cowart, 2016 Main, No. 1414, Houston, Texas 77002 (713-759-0748) appeared and stated that he was a resident at 2016 Main, that this morning at roughly 8:00 a.m. he stepped out of his building to catch the train to come downtown to speak before City Council and had to step over an individual who was sleeping on the sidewalk in front of his building, he immediately went back in the building and asked the property manager to call the police and ask that the guy be removed, unfortunately there was not a law against him sleeping on the sidewalk and the only thing that the police officer could do when he got there was going to be to ask him to voluntarily move on, the other problem was that when he moved on he was going to leave behind the box that he was sleeping, the left over fried chicken that he ate from the night before and they had the mess to clean up, so they had a mess and a sanitary problem, the thing that happened to people in Midtown was that they were in an urban area, not a suburban area and there was a difference between the suburbs and the urban area, they had a greater concentration of people in a very small space and what they were asking for in the ordinance was to let them have a tool for their law enforcement officers to work with so that if nothing else they could get the people who were misbehaving to behave, that there was a problem with the homeless throughout America and they were not going to solve that problem with the one ordinance but what they would do was carve out one little space in the City of Houston where they were going to ask people to behave themselves. Council Members Green and Quan absent.

Mr. Rajan Sedalia, 1509 Holman, Houston, Texas 77004 (713-942-9992) appeared and stated that he had been a resident of Midtown for the last four years and wanted to talk about progress and Midtown, that the idea of homelessness as a problem, sometimes he walked around and saw a homeless man taking a nap at 1:00 in the afternoon and wondered if he could do that so his question was who was the progress for, that he spent a lot of time on the street riding his bike and observing what was going on in Midtown, that his point was who was the progress for and was homelessness a problem, was it a crime to live on the street, that he did not see a problem, that he got panhandled a lot and had no problem with it, that he thought Houston needed more people on the street instead of inside in the air conditioning, that it was an interesting observation.

Ms. Sandy Desseler, 2505 Fannin, Houston, Texas 77002 (713-739-7752 ext. 162) appeared and stated that she did not think that anyone agreed more than SEARCH that there was a problem with people sleeping on the street, it was not healthy but it also was not right, people should not be forced to, people should have alternatives, she thought the good thing was that there was hope in Houston and she had met with almost every Council Member and everyone had listened and lent their support to a group of leaders getting together under the direction of Coalition for the Homeless and coming up with a plan, they had 4,000 shelter beds and about 14,000 homeless people, that police officers were working very hard with organizations trying to help but they were bringing them to SEARCH saying what else they could do and SEARCH was saying they had 250 people in there and if they put one more person in their building they were out of compliance with the City regulations, that one, they needed to count the homeless and they were doing that, and that was good news, that two, they needed to take an assessment of what resources they had in the City that could accommodate homeless people, and three, they needed to go to Washington, D. C. with City and County

officials and say that Houston needed funding to address the issue and they had the experts in front of them, SEARCH and Star of Hope knew how, they were not part of the problem, they were the solution, the Coalition for the Homeless, the United Way and Housing Corporation, all of the agencies working together were putting a plan in place that should be ready within the next six months to a year and until then they could not just say wrap a package around an ordinance and make people disappear, they were going to leave downtown and go to Midtown, they were going to leave Midtown and go to Eastend, they were going to go to wherever they could hide, they were afraid, they were scared and also victims of crime, that she did not agree that 50% of the crime in Midtown was created by homeless people, she challenged that, she did not believe it was accurate, that she had been married to a cop for 15 years and police officers wanted to arrest criminals and homeless people were not criminals. Council Member Holm absent.

Mayor White and Members of Council thanked Ms. Dessler for what she did for the community. Council Member Holm absent.

Council Member Lawrence stated that she wanted to recognize a group from Thornton Middle School, Cyfair Independent School District, who were present in the audience and asked that they stand and be recognized.

Mr. Earl Hatcher appeared and stated that his opposition to the ordinance was that he did believe it criminalized homelessness, if they were homeless they did not have a place to sleep at night but they could sleep on the sidewalk between 11:00 p.m. and 7:00 a.m., that during the day they still did not have a home or a place to be so they could not lay on the sidewalk so therefore if they were a homeless person and on the sidewalk they were subject to be arrested, if they were just waiting for a bus and sitting on the sidewalk the police would not arrest them or ticket them but they were still sitting on the sidewalk during the daytime so he thought it could criminalize homelessness, when Council Member Ellis led the effort to get the original Civility Ordinance passed he put together service providers and they had many meetings about how to turn it into a positive thing and for it to be a positive tool for the police to use to direct homeless people to services but thought a little too much was being made of that, that the reality was that in order for the Municipal Courts to be able to provide that service or direction when someone was brought to court because they had violated one of the civility ordinances it was required that there be staffing 24/7 in the Municipal Courts, the City nor the agencies have the money to provide that staff person so what had resulted was that the only way the Police Department could direct homeless people to services was through the cards that they gave out, if they had been homeless for a couple of weeks they already had gotten those cards over and over again, so he did not think it was very effective, that he did not want people to think that passing the Civility Ordinance somehow improved the quality of life of homeless people, that as to the dumpster diving thing, there was no reason to look through trash cans unless they were looking for food, something to drink, cigarettes, looking for something to sell or were mentally ill, that he doubted if there were many arrests because people were dumpster diving.

Ms. Yvette Tarrant appeared and stated that she was the Executive Director of Bread of Life and they were one of the homeless agencies that provided services seven days a week to homeless men and women and as well as children, that they were on the cusp of 1703 Gray Street, very close to the South Central Police Department and very close to the bridge where people continued to have to sleep because they had no where else to go, that she had seen many of the Council Members at Saint Johns or Bread of Life visiting with them to see what they did, and she had some questions, how were they going to determine the face of a homeless person that was either sitting on the sidewalk during the day or laying down, was there some particular look that they were going to be looking for if the ordinance was passed, that she was also concerned about the fact that she too considered herself a resident of Midtown and had been working in Midtown for 12 years at that very same center and concerned about her safety and her staffs safety as well, but when one of her staff members was personally cited last week on behalf of a shopping cart that had been pushed up against their property she found it to be a

problem, that she wanted to make sure that as they imposed the various infractions that they take into consideration that there was an issue of homelessness that existed in Midtown that had moved from downtown into the area that they had redeveloped and before the redevelopment the individuals were already there and so she was with Sandy in terms of a comprehensive plan that they must develop as a City to take to Washington, D. C. so they could receive funding to provide the types of services, that Bread of Life also provided mental health services, life skills and job readiness, and it took time, it took a salaried employee who probably averaged about \$35,000 per year in one day session to work with five people, that it was an expensive operation to maintain, they needed consistent funding and needed to make sure the issues were being addressed. Ms. Tarrant introduced Ms. Ruby Manning who was homeless for 20 years and on the streets for 10 years in Midtown and was now employed and a taxpaying citizen so she was really hoping that before they passed a civil ordinance to move folks to another area that they begin to address the actual problem. Council Members Goldberg and Garcia absent.

Mr. David M. Mandell appeared and stated that he was President and CEO for the Coalition for the Homeless of Houston and Harris County, that the coalition offered the following comments to the community regarding the proposed civility ordinances which were now being considered by City Council, while many of the agencies who served the homeless in the community were members of the coalition and the board the views concerning the proposed ordinance were based on consensus and did not necessarily speak for any individual organization, that their mission was to help homeless people get off of the street, the Coalition for the Homeless had no interest in advocating for the rights of people to sleep on the streets therefore any criticism or opposition to the ordinances should not be seen as an argument for the right of persons who were homeless to homestead on the streets, homelessness as not caused by a lack of civility nor ordinances so its origin and basic existence in the community and society would not be affected by their passage and enforcement, however people who were homeless would drastically be affected, their plight would not only be further psychoanalyzed but also now criminalized, they were concerned that more harm than good would come from targeting and incarcerating persons who were homeless, the people who would be victims of the ordinances were the most difficult homeless people to help, that all good public servants know that those who needed the services the most were the most hard to reach, the problem just be approached systematically and holistically, to over psychoanalyze or criminalize the grave social problem was to reduce and define the problem according to its symptoms rather than its factors, the coalition supported ordinances that aim and lead to substantive rather than cosmetic solutions, persons who were homeless were human beings and must be treated with dignity and respect, it appeared the proposed ordinances were motivated somewhat by the belief that life on the streets was a volitional act rather than by homeless persons and they chose to be so in order to be free of all social and personal responsibilities, this belief was parallel to the belief that if laws were passed they would make life on the streets uncomfortable to the extent that homeless people would be motivated to get jobs and get off of the street, that line of thinking was simplistic, the following were needed to fight homeless and poverty in general, effective outreach and case management, psychiatric services, drug treatment services, comprehensive social services, effective and adequately funded community based programs and affordable and available housing and placement services, a solution to homelessness was more in the purview of social work and police science, the solution was more of an issue than social justice than criminal justice, homelessness could be better addressed through affective services than coercive tactics, their great City could solve the problem in a humane and compassionate way. Council Members Lawrence, Goldberg, Garcia and Ellis absent.

After further discussion by Council Member Alvarado moved to close the public hearing, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Members Lawrence and Goldberg absent. MOTION 2004-0464 ADOPTED.

MAYOR'S REPORT

Mayor White stated that they were privileged to have in the audience the new designated Health Director for the City of Houston, Mr. Steven Williams and invited Mr. Williams to the podium, that a number of Council Members would get a chance to visit with Mr. Williams and he would be available to the press after the Council meeting, that he wanted to thank the numerous citizens from a number of backgrounds who assisted in a very painstaking search to find the very best Health Director they could find in the Nation and in Mr. Williams they had someone who had the experience in delivering more services efficiently and dealing with public health issues such as the HIV/AIDS epidemic and bioterrorism and in coordinating in inovative ways with other private and governmental entities in delivering health services effectively, that he wanted to welcome Mr. Williams to Houston. Council Members Lawrence and Goldberg absent.

Council Member Sekula-Gibbs stated that she too wanted to extend a welcome to Mr. Williams and hoped that he had a great time heading up a wonderful Health and Human Services Department, that she would like to extend an invitation to her office to work with her because she had a strong interest in health care issues. Council Members Lawrence, Goldberg and Edwards absent.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller.

Mayor White stated that today was a big day on their budget, that as some of the new Council Members may recall in their first meeting they had the Controller projecting a budget deficit in a fiscal year that they were halfway through, based on the report that they got at that first or second Council meeting, of well over \$7 million and today, mainly through bringing expenditures down from what was budgeted, they were going to hear about the success of bringing the budget into balance for FY2004. Council Members Lawrence, Goldberg, Edwards, Alvarado and Quan absent.

Ms. Annise Parker, City Controller stated that after she presented the monthly report she would like to go ahead and go into the investment report before she yielded to Ms. Judy Gray Johnson, that she was pleased to present the Monthly Financial Report for the period ending March 31, 2004, they were now three quarters of the through Fiscal Year 2004, that after nine months of projected shortfalls that at one time totaled more than \$20 million she was happy to report that the budget was all but balanced and in fact they were going to certify later on that it was balanced, that they now projected a shortfall in the General Fund of just \$93,000, which was down by \$5.9 million from last month, that the change was due to healthy growth in sales tax revenues and a small increase in their property tax projection, their sales tax projections was up by \$6.4 million from a month ago and now stood at \$342 million, the reason was higher than anticipated year to date collections, the April sales tax check for taxes collected in the month of February totaled \$28.1 million, a whopping 24% higher than the February 2003 check, at first glance it would appear to finally be the mythic bump they were going to have from the Superbowl but as they investigated the numbers it appeared that more than \$4 million of the increase could be attributed to businesses truing up their accounts and some involuntary adjustments due to audits by the State Comptroller's Office, when they removed those dollars from the equation the actual increase for February dropped below 10%, that was still impressive but sales tax receipts had been on the rise for the last several months due to the improving economy and she would say again that only a very small portion of the February bump could be attributable to the Superbowl, they were also increasing their projection for property tax revenues by a \$1 million over last month, that was due to lower than anticipated transfers for the City TIRZ's, unfortunately it was offset slightly by declines in other revenues, gas and other franchise revenues went down by \$1.2 million from April's Monthly Report, their projection for

interest revenue was also down, declining \$1.5 million to \$4.5 million, this reflected continued experience of lower than usual interest rates and they did not anticipate that it would change in the near term, they were projected total General Fund expenditures of \$1.395 billion, it was virtually unchanged from April's figure, that she knew that later in the meeting they would be considering the General Appropriations Ordinance and as she explained to them last month it was the one time in the year when the administration and her office must agree on the budget numbers and without that agreement she could not have certified the Appropriations Ordinance, that for new Council Members who were not at the Fiscal Affairs Committee meeting yesterday, they knew that they certified the new budget in June and at that time the City Council was asked to approve an interim spending plan, the interim spending plan remained in effect until the General Appropriations Ordinance was submitted to Council for approval, they could have done that at any time during the year, however in recent years the approval of the ordinance had been occurring later and later due to the uncertainty in the revenue streams, they did not want to certify it until they were sure that the money was going to be available, the Controller's Office had always recommended a more conservative approach to budgeting in order to not having that uncertainty and to be able to certify earlier in the year, so formerly, as they knew from the agenda, she was certifying General Appropriations Ordinance for the General Fund in the amount of \$1.396 billion, it was \$11 million less than the budget of \$1.406 billion adopted last June, the decrease reflected cuts put in place by the administration beginning last fall when it became apparent that the projected revenues would not support the budget approved in June, that also as part of the agenda they were being asked to agree to the possibility of a temporary transfer of up to \$30 million from the Street and Bridge Construction Fund to cover any cash flow shortage within the General Fund that they may or may not experience at the end of the Fiscal Year, they had been doing that for the last few years, the money would be used to cover payroll and other expenses in the event that the General Fund, while money would be available to finish out the budget, it may not be available timely for the last few bills that had to be paid by the end of the year, the money would be repaid through tax and revenue anticipation notes shortly after the start of the new fiscal year, the fact that they had routinely done it over the last few years did not mean that it was a good business practice or a good idea and while she certainly understood that the City hoped not to have to tap into the money they needed to have a goal of budgeting so that they have enough cash on hand to comfortably carry them through the end of the year so they would not have to borrow in future; that she would now move to the Quarterly Investment Report and hoped that Council Members did receive a copy of that and had it with them, that as of March 31, 2004 the City had approximately \$2.4 billion invested in 8 different investment pools, the largest pool was the General Pool with a balance of about \$1.9 billion and was currently earning a yield of about 2.1%, their remaining investment pools were, for the most part, were dedicated construction funds, the largest of which was their Airport Construction pool which as of March 31, 2004 had a balance of about \$330 million, two other construction pools related to the Convention Center Hotel and the George R. Brown expansion were now winding down, they still had a combined balance of approximately \$50 million but they expected those balances to be mostly expended in the near future, the remaining investment pools were smaller in amount and not significantly changed from the prior quarter, on the subject of interest rates, they expected no interest rate changes but they did expect there to be some indication that official short term rates were likely to start going up for the end of the year, market rates of interest had already increased significantly in anticipation of a Fed move later in the summer, in order to protect the market value of their investments they had continued to shorten the average maturity of their general investment pool to be able to put money back out if interest rates changed and that concluded her report. Council Members Goldberg and Alvarado absent.

Ms. Johnson stated that they had made a number of changes in their estimates of General Fund revenues as were shown, however they all netted to almost no change whatsoever, the primary news did continue to be sales taxes, the last check was very good and they were very pleased to take that money and put it in the bank and hoped that it would continue, they were now expected to be in sales tax up 6% over last year or \$20 million, that they did need to remind themselves that a little over half of that was due to the limited purpose annexations, they were

still seeing a relatively large increase in that because some of those were still rolling in and taking into effect but by the end of Fiscal 2005 that increase in rate of return on those would have to flatten out so they would not be seeing that continued spike up going forward, they had an underlying growth rate therefore in 2004 versus 2003 of about 2.5% and they were certainly hoping that it would be more for next year than for this year, that property taxes had only a slight change due to the tax increments, that the other news was that they had brought the expenditures back into balance and later in the morning they would officially have a balanced budget for Fiscal Year 2004. Council Members Goldberg and Alvarado absent.

Mayor White stated that there was other good news that reflected the good news that the Council had done and their City government in providing responsible financial discipline, that about a week ago he was late to the Council meeting because he was meeting with, along with the Controller and F&A Director, the representatives from Moody's and did not know if it was appropriate to mention what had happened to their bond ratings on the existing Water and Sewer Debt and asked them to share it with the Council Members, and Ms. Johnson stated that they did get a notice from Moody's yesterday afternoon and they had upgraded their rating on the Water and Sewer Debt so they moved from an A3 to an A2. Council Members Goldberg and Alvarado absent.

After further discussion by Council Members, Council Member Alvarado moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Khan absent. MOTION 2004-0465 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 31, 35 and 36 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0466 ADOPTED.

31. ORDINANCE appropriating \$590,000.00 out of Civic Center Facility Revenue Fund and approving and authorizing joinder agreement between the City of Houston and **HOUSTON MCLANE COMPANY, INC** for Major League Baseball All-Star Game - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0385 ADOPTED.

Mayor White stated that there had been a lot of work by a lot of people in the City of Houston and the State Law, which was a good law to encourage things like the All Star Game, was also giving the City some real opportunities to improve the City for the All Star Game which would also be much appreciated by the citizens if they looked at the details of some of the things that were planned and some of the improvements they were making within the City to make the City continue the progress they were making, that they were honored to have Mr. Drayton McLane present and invited Mr. McLane to the podium.

Mr. McLane stated that he wanted to thank Mayor White and each of the Council Members, that he commended them for what they did, that they were very proud for all that they contributed, that they were also equally excited about the All Star Game and thanked them for approving the State Bill 275, that he thought it was going to be instrumental not only for the All Star Game but also for assets and facilities that would be added to the community, so he thanked them for it, that he wanted to talk about the All Star Game, that it was going to be significant for the City, that it was going to be the 75th All Star Game, that it started last year but the All Star Games were different today, that which league won the All Star Game becomes the host City for the World Series, so the goal for the Astros was to win their division, win the playoffs and go to the World Series, that the All Star Game would be on July 13, 2004, on a Tuesday, and when the game was televised at 7:00 p.m. it had been estimated that it would be received in 75 million homes in the United States, so he thought the audience would be somewhere between 150 million to 200 million who would be watching the game, that it would be televised in over 200 country's outside of the United States and in 12 languages so it was

truly a world event that was going to be occurring in downtown Houston which would be seen all over the world.

Mayor White and Members of Council thanked Mr. McLane for the vision that he and Mr. McNair brought to the City, that they appreciated the work that they all did and appreciated the list of expenditures, which was important for the Council Members to see, that they wanted to thank Mr. McLane and the teams work in getting State Bill 275 passed.

35. ORDINANCE awarding contract to **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,047,874.80 - General, Enterprise, Grant and Other Funds - was presented, and tagged by Council Members Edwards and Alvarado.
36. ORDINANCE approving and authorizing second amendment to the Master Agreement for the acquisition of Microtechnology Hardware and Software Products and associated services between the City of Houston and **TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)** to allow the City to use DIR's Go Direct Program to add products and services and to streamline the procurement process - was presented, and tagged by Council Member Edwards.

Council Member Ellis moved to suspend the rules to consider Item No. 52 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0466 ADOPTED.

52. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the payment of fines for citations issued for parking violations on rental vehicles – **(This was Item 69 on Agenda of April 21 2004, POSTPONED BY MOTION #2004-398)** – was presented.

Council Member Alvarado stated that she had passed out a written motion to amend Item No. 52 as follows:

Amend Section 2, which amends Section 16-25 of the Code of Ordinances, Houston, Texas by designating Subsections (b) through (d) as Subsections (c) through (e), respectively, and adding a new Subsection (b) as follows:

“(b) The chief clerk of the municipal courts shall cause notice to be provided by mail or electronic transmission to the registered owner of a rental vehicle that is the subject of a parking citation, provided that the registered owner has supplied information required by procedures adopted by the chief clerk in connection with this subsection. The notice shall be provided within 20 days after the issuance of the parking citation.”, seconded by Council Member Ellis.

Council Member Edwards stated that she had no problem with the amendment she was just not comfortable with the fact that they could implement it, that she had not heard anything from Municipal Courts that they had the staff to do it and that had been problematic in the past and asked if there was someone who could give her that assurance.

Upon questions by Council Member Edwards, Mr. Michel stated that he had spoken with Ms. Sudhoff several times in the last couple of days and they were convinced that they could do it, that essentially the ticketing process would take two or three days to enter it into the system, typically, it would take two weeks, they estimate, to create a program in order to take a database from the rental companies and have that program interface with the mainframe of the City in order to be able to match up the tickets that should go to the auto rental companies and the twenty days would provide ample time to do that if they got at least weekly updates from the rental companies in order to update the database and they thought they would be able to obtain that and the twenty days would allow ample time, that it would technically be a new system because they would have to have a new software program to interface the two systems and

when the ICMS System was up early next year that would make the process go even quicker and smoother, but it was sort of a temporary bridge system in the meantime.

Upon questions by Council Member Edwards, Ms. Sudhoff stated that it was a new process, an improved process, as Mr. Michel referred to, they were still on the mainframe, that they could meet the 20 day notice and could provide it electronically to the rental companies and could do it with the current staff.

Upon questions by Mayor White, Ms. Sudhoff stated that they were going to be working with the rental car companies to make sure their technologies spoke to each other, that they had the technology availability of providing an PTF file to them and so they would work with the rental car companies to make sure that they could receive the FTP file, and Mr. Michel stated that he did not mean a new software system, what he meant the creation of a program on the software system in order to allow the mainframe to interface with the data they received from the rental car companies. Council Member Edwards absent.

Council Member Khan asked what would happen to the citations if they failed to receive them in 20 days and Mr. Michel stated that they would not be liable for it so long as they provided the accurate data for the cars that were ticketed.

Council Member Khan asked if anyone had been testing the communication which ought to happen for it to work, and Ms. Sudhoff stated that they would create a program to extract the data and compare the DBA information against the vehicle plates, that they had the capability and were confident that they could provide the notice as long as the two qualifications were met, one was, that they had all the DBA information on the companies, and two, that they have weekly updates of vehicle plate information, if those two criteria were met then they could comply, that the 20 days was from the date that the ticket was filed with the court, that 90% of the parking citations were issued by parking enforcement officers, however there was that 10% that was issued by HPD, their tickets, when they came through the auto site system, were in the system after actually being written, they were in the system within two days.

Upon questions by Council Member Berry, Ms. Sudhoff stated that they sent out a notice on all parking citations within 15 days, it was by mail, that they were going to consolidate for the rental car companies, looking against their plates and making sure that they had a comprehensive list, that they were going to do it internally within the 20 days, that they did not have the authority to pursue the driver of the vehicle they were simply tracking State Law and City Ordinance that required that she pursue the owner of that vehicle per Texas Department of Transportation so that was what they did.

Upon questions by Council Member Galloway, Ms. Sudhoff stated that every citizen who received a parking citation had up to 45 days to appear before an adjudication hearing officer and present any evidence that they felt should be considered, for example the scenario of a broken meter, that she knew that several rental car companies had in their standard contract a clause that allowed them the ability to charge against the individuals credit card for a parking violation that was issued to them. Council Member Garcia absent.

Council Member Edwards asked if it applied to taxicabs as well and Ms. Sudhoff stated no, that the ordinance was specific to rental car companies, and Mr. Hall stated that the issue was raised because of the question of the owner of the car not being the person who drives it, the rental car companies had the right to charge the cards within the 30 day period and these adjustments were being made to assure that their ordinance would require the City to give them the 20 day notice for them to be liable to the City for the indemnity.

A vote was called on Council Member Alvarado's motion to amend Item No. 52. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0468 ADOPTED.

A vote was called on Item No. 52 as amended. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0386 ADOPTED.

Mayor White stated that he wanted to thank many people for their excellent work on the particular issue, both in the industry as well as Mr. Hall, Mr. Michel and Ms. Sudhoff.

CONSENT AGENDA NUMBERS 3 through 50

ACCEPT WORK - NUMBERS 5 through 11

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$606,219.00 and acceptance of work of the Surety, **CUMBERLAND CASUALTY & SURETY CO.** on contract awarded to **TEJAS MECHANICAL, INC** for Houston Zoological Gardens-HVAC Replacement at Three Buildings and Renovation of Five Roofs, GFS F-0364-02-3 - 04.11% over the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0469 ADOPTED.
6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$273,000.00 and acceptance of work **PRC ROOFING CO., INC** for Police Academy Buildings "B" and "D" Roof Replacement, GFS G-0066-05-3 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0470 ADOPTED.
7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$730,135.00 and acceptance of work on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at BARC, Animal Control Center - North, GFS H-0011-04-3 - 13.73% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0471 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$269,032.25 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Replacement of 30" Vent on Fannin Street Bridge, GFS R-0266-F1-3 (4855) - 04.60% over the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0472 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,047,939.05 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-97-3 (4257-23) - 01.27% under the original contract amount - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0473 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,005,791.42 and acceptance of work on contract with **PM CONSTRUCTION AND REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-98-3 (4257-24) - 00.19% over the original contract amount **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS;**

E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0474 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,679,872.05 and acceptance of work on contract with **JALCO, INC** for Construction of 54-Inch Water Main along Aston, Stonington, and Hempstead Highway from W. Tidwell Rd. to Brittmoore Dr. - Contract 56A, GFS S-0900-70-3 (WA10643) - 02.11% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0475 ADOPTED.

PROPERTY - NUMBER 12

12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels LY1-013A and LY1-013B, located at 5100 South Shaver Road, owned by Twenty Five Hundred University, Inc, for **SOUTH SHAVER PAVING PROJECT**, CIP N-0582-01-2 - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0476 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 19

13. **LAWRENCE MARSHALL CHEVROLET II, L.P.** for Pickup Trucks for Health & Human Services Department - \$35,472.00 - Health Special Revenue Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0477 ADOPTED.
14. **KINLOCH EQUIPMENT & SUPPLY, INC** for CUES, Closed Circuit TV Equipment for Department of Public Works & Engineering - \$239,376.00 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0478 ADOPTED.
15. **KINLOCH EQUIPMENT & SUPPLY, INC** for Jet Cleaning Machines for Department of Public Works & Engineering - \$57,273.75 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0479 ADOPTED.
16. **CHLORINATOR MAINTENANCE CONSTRUCTION, INC** for Chlorination Equipment Replacement Parts for Department of Public Works & Engineering - \$176,300.00 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0480 ADOPTED.
17. ORDINANCE appropriating \$121,800.00 out of Water & Sewer System Consolidated Construction Fund for Decommissioned Water Well Plugging for the Public Works & Engineering Department, CIP S-1000-N12 - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0387 ADOPTED.

- 17a. **WEISINGER WATER WELL, INC** for Decommissioned Water Well Plugging for Department of Public Works & Engineering - \$118,000.00 and contingencies for a total amount not to exceed \$121,800.00 - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0481 ADOPTED.
18. **OLD WORLD INDUSTRIES, INC** for Chemical, Caustic Soda Contract for Department of Public Works & Engineering - \$1,246,569.38 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0482 ADOPTED.

ORDINANCES - NUMBERS 24 through 50

24. ORDINANCE authorizing the Mayor to make certain arrangements and procure certain supplies and services not provided under Election Services and Translation Agreements in connection with the City of Houston Special Election to be held May 15, 2004; authorizing the payment of certain costs of such Election - \$500,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0388 ADOPTED.
25. ORDINANCE approving and authorizing consent to encroach, allowing existing improvements owned by Richard Estrada, the abutting owner, to encroach ±2.1 feet into East 25th Street, adjoining the property located at 1120 East 25th Street, being Lot 9, Block 62, Sunset Heights, Addition, John Austin Two League Grant, Harris County, Texas; Parcel ENY3-01; subject to the terms and conditions of the consent to encroach - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0389 ADOPTED.
26. ORDINANCE consenting to the addition of 80.453 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0390 ADOPTED.
27. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 381 - DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0391 ADOPTED.
28. ORDINANCE establishing the north and south sides of the 2300 block of Sunset Boulevard within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0392 ADOPTED.
30. ORDINANCE issuing permit to **CONOCOPHILLIPS COMPANY**, to own, acquire, construct, operate, maintain, improve, repair and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued; providing for severability - **DISTRICTS D - EDWARDS and E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0393 ADOPTED.
37. ORDINANCE appropriating \$250,000.00 out of Airport System 2001 AMT Consolidated Construction Fund; authorizing purchase of certain tracts of land and improvements thereon out of Greenvue Manor Sections One and Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush

Intercontinental Airport, CIP A-0476-29.1; approving purchase and sale agreements with the owners of the land (Gerald G. Porche II and Elizabeth Porche; and Donald G. Meadows and Karen Meadows) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0394 ADOPTED.

38. ORDINANCE appropriating \$483,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Design of Water Line Replacement in Lake Houston-East, CIP S-0035-C6-2 (WA10788); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0395 ADOPTED.
39. ORDINANCE appropriating \$183,707.75 out of Public Health Consolidated Construction Fund, awarding construction contract to **STRUCTURE MANAGEMENT, L.L.C.** for Construction of Bio-Safety Level 3 Laboratory (BSL3), GFS H-0029-02-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for Civic Art Program, and contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund and the Public Health Preparedness Bioterrorism Grant Funds - \$628,000.00 Grant Funds - **DISTRICT D - EDWARDS** - PULLED
40. ORDINANCE appropriating \$166,825.61 out of Street & Bridge Consolidated Construction Fund and \$224,987.77 from Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Ley Road at Kirkpatrick Street Improvements, GFS N-0587B-01-3 (N-0587B-01); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0396 ADOPTED.
43. ORDINANCE approving and authorizing contract between the City of Houston and **OPEX CORPORATION** for Two Mail Extractor Machines for the Utility Customer Service branch of the Public Works & Engineering Department; providing a maximum contract amount - \$260,998.00 Enterprise Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0397 ADOPTED.
44. ORDINANCE appropriating \$541,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between City of Houston and **BROOKS & SPARKS, INC** for Design of Water Line Replacement in the Truxillo Area, CIP S-0035-D5-2 (WA10796); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0398 ADOPTED.
45. ORDINANCE approving and authorizing Professional Environmental Consulting Services contract between the City of Houston and **SEPARATION SYSTEMS CONSULTANTS, INC** for Environmental Assessments, CIP R-0019-30-2; providing funding for project management \$100,000.00 - Enterprise Fund - PULLED
46. ORDINANCE appropriating \$118,992.50 out of Public Health Consolidated Construction Fund; determining that the formal taking of competitive bids is not required for the work described herein; approving and authorizing contract between the City of Houston and

CST ENVIRONMENTAL, INC for Asbestos and Mold Remediation at Riverside Health Center, CIP H-0052-01-5, and approving and authorizing additional funds for professional services contract No. 050900 with **ENVIRONMENTAL RESOURCE CONSULTANTS, INC** (Authorized by Ordinance No. 99-1036); providing funding for construction management and contingencies relating to construction of facilities financed by the Public Health Construction Fund - **DISTRICT I - ALVARADO** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

47. ORDINANCE appropriating \$556,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Design of Buffalo Speedway Extension from West Orem Drive to West Airport Boulevard, N-0619-01-2 (SB9175); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0399 ADOPTED.
48. ORDINANCE appropriating \$480,400.00 out of the Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between City of Houston and **OTHON, INC** for the Design of Water Line Replacement in the Parkhurst Area, CIP S-0035-D2-2 (WA10793); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0400 ADOPTED.
49. ORDINANCE appropriating \$442,920.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between City of Houston and **WASHINGTON GROUP INTERNATIONAL, INC** for the Design of Water Line Replacement in the Midtown Area, CIP S-0035-C8-2 (WA10790); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0401 ADOPTED.
50. ORDINANCE appropriating \$395,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **MALCOLM PIRNIE, INC** for Design of water line grid extensions along Dairy Ashford, Veterans Memorial, Beechnut, Stancliff and Westpark, CIP S-0700-60-2 (WA10802); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG and F - KHAN** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0402 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$3,126,122.84 and acceptance of work on contract with **GEORGIA ELECTRIC COMPANY** for Roadway Signage Upgrades at George Bush Intercontinental Airport/Houston; Project No. 522, CIP A-0285 and A-0391 - 07.98% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council

Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0483 ADOPTED.

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$366,946.00 and acceptance of work on contract with **HORIZON BUILDERS, INC** for Federal Inspection Services (FIS) Interim Facility at George Bush Intercontinental Airport/Houston; Project No. 605A, CIP A-0463 - 03.99% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Alvarado, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0484 ADOPTED.

PURCHASING AND TABULATION OF BIDS

19. **HELENA CHEMICAL COMPANY** - \$1,525,824.91; **BWI-SCHULENBURG** - \$202,652.00; **RED RIVER SPECIALTIES, INC** - \$183,793.90; **ESTES, INC** - \$433,733.16; **SAN JACINTO ENVIRONMENTAL SUPPLIES** - \$51,511.25; **PRO ALLIANCE** - \$128,621.22 and **UAP TIMBERLAND, LLC (Bid No. 2)** - \$1,905,264.98 for Chemicals, Lawn, Garden and Insecticide for Various Departments - \$4,434,401.42 - General, Enterprise, Stormwater Utility and Park Special Revenue Funds - was presented, and tagged by Council Member Holm.

ORDINANCES

20. ORDINANCE authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series F, in an aggregate principal amount not to exceed \$139,500,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the city in the selling and delivery of such notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the notes, including the approval of an Issuing and Paying Agency Agreement, an Credit Agreement, an Offering Memorandum and an Commercial Paper Dealer Agreement; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0403 ADOPTED.
21. ORDINANCE approving Substitute Credit Agreement for City of Houston, Texas General Obligation Commercial Paper Notes, Series D; approving an updated Offering Memorandum and the preparation and execution of other documents relating thereto; containing other related matters; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Berry absent. ORDINANCE 2004-0404 ADOPTED.
22. ORDINANCE making appropriations, including the general appropriation, and authorizing transfers in support of the annual budgets of the City for Fiscal Year 2004; authorizing a temporary cash borrowing - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Berry absent. ORDINANCE 2004-0405 ADOPTED.
23. ORDINANCE approving and authorizing an agreement between the City of Houston and **HARRIS COUNTY** for an Election to be held on May 15, 2004; providing a maximum contract amount \$700,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Berry absent. ORDINANCE 2004-0406 ADOPTED.
29. ORDINANCE changing the name of Galen Drive to Pressler Street between South Main

Street and Fannin Street - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Berry absent. ORDINANCE 2004-0407 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City of Houston and **BERLITZ LANGUAGES, INC** for Foreign Language Testing of Police and Fire Department Employees 3 Years - \$91,650.00 - General Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Berry absent. ORDINANCE 2004-0408 ADOPTED.
33. ORDINANCE approving and authorizing contract between the City of Houston and **PRIOR AND ASSOCIATES** for Lost Asset Recovery Services - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Berry absent. ORDINANCE 2004-0409 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City and **FULBRIGHT & JAWORSKI, L.L.P.** for matters related to Public Health Preparedness in the event of a Bioterroristic Event - \$35,000.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0410 ADOPTED.
41. ORDINANCE appropriating \$3,916,936.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-D1-3 (WW4257-51); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0411 ADOPTED.
42. ORDINANCE appropriating \$5,914,818.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-2013-11-3 (WW4258-13); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. ORDINANCE 2004-0412 ADOPTED.

NON CONSENT AGENDA - NUMBER 51

PROPERTY

51. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rick Sitts of West Belt Surveying, Inc, on behalf of Alief Independent School District, for abandonment and sale of a portion of Sharpcrest Lane, from Belle Glen Drive east ±500 feet, in exchange for the conveyance to the City of right of way for and the construction of a cul-de-sac, out of Lots 21, 22 and 23, Block 22, and right of way for a corner clip out of Lot 28, Block 24, all located within Bellaire West, Section 6, Parcels SY4-028, AY4-032 and AY4-033 - **APPRAISERS - DISTRICT F - KHAN** - was presented.

Council Member Khan named Mr. Charles Rencher and Mr. Michael Copeland as appraisers and Mr. Phillip Machinsk as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0485 ADOPTED.

MATTERS HELD - NUMBERS 52 through 59A

53. MOTION by Council Member Khan/Seconded by Council Member Sekula-Gibbs to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,870,741.53 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Neighborhood Street Reconstruction No. 440, GFS N-0373-01-3 (N-0373-01) - 11.13% under the original contract amount - **DISTRICT C – GOLDBERG – (This was Item 8 on Agenda of April 28, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented.

Council Member Goldberg moved to refer Item No. 53 back to the administration and stated that after problems were cured and completed that the matter be put back on the agenda, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0486 ADOPTED.

54. ORDINANCE approving and authorizing contract between the City of Houston and **FRANKLIN & WILSON AIRPORT CONCESSIONS, INC** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY – (This was Item 37 on Agenda of April 28, 2004, TAGGED BY COUNCIL MEMBER QUAN)** - was presented.

Council Member Berry stated that the issue of airport concessions had been a contentious issue at City Hall and Item Numbers 54, 55 and 56 kind of came out of nowhere and they were not really sure what the background on it was, that Council Member Quan had a meeting with someone in the Airport and they had not been able to communicate with the person they were supposed to at the Airport, but his concern was that the answer being given was that the item was a part of the contract that they originally agreed upon, a contract around which there was litigation, that they spent a lot of resources hashing it out and that none of them recalled that there were four outstanding concessions still to be awarded and if in fact that was the case then all their office would like would be to see that and moved to postpone Item No. 54 for one week, seconded by Council Member Alvarado.

Mayor White asked Mr. Hall if there was an appropriate person who would be able to brief Council Members on the item and Mr. Hall stated yes there were a number of people who had reviewed it and would be available to meet with them about the process and how it fit into the previous concession awards.

Council Member Edwards asked if the discussion would be through a committee or with each individual Council Member, and Mayor White stated that he would like feedback from his colleagues as to what the best way was to handle it and if there was widespread concern they would want to accommodate the Council Members in a way that was most efficient.

After further discussion by Council Members, Council Member Berry stated they would plan for a meeting on Monday and would get with every Council Member. A vote was called on the motion to postpone Item No. 54. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0487 ADOPTED.

55. ORDINANCE approving and authorizing contract between the City of Houston and **AIRPORT CONCESSIONS, INC** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY – (This was Item 38 on Agenda of April 28, 2004, TAGGED BY COUNCIL MEMBER QUAN)** - was presented.

Council Member Berry moved to postpone Item No. 55 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0488 ADOPTED.

56. ORDINANCE approving and authorizing contract between the City of Houston and **CBR INCORPORATED** for Specialty Retail Concession at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY – (This was Item 39 on Agenda of April 28, 2004, TAGGED BY COUNCIL MEMBER QUAN)** - was presented.

Council Member Berry moved to postpone Item No. 56 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman out of the city on city business. MOTION 2004-0489 ADOPTED.

57. ORDINANCE appropriating \$10,300,000.00 out of Houston Airport System Consolidated 2004 AMT Construction Fund as an additional appropriation for professional services contract between the City of Houston and **PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC** for professional architectural, engineering, construction management and program management services in connection with the International Services Expansion Program at George Bush Intercontinental Airport/Houston (IAH) (Project No. 500A); CIP A-0203 and A-0422; originally approved and authorized under City of Houston Ordinance No. 99-1267 as amended by City of Houston Ordinance No. 2000-1063 - \$1,100,000.00 - Airports Improvement Fund – **(This was Item 42 on Agenda of April 28, 2004, TAGGED BY COUNCIL MEMBER QUAN and KHAN)** - was presented.

Council Member Khan moved to postpone Item No. 57 for one week, seconded by Council Member Sekula-Gibbs, and stated that he still had some concerns, that he did some quick math on the MWBE goals, that on page 3 they say they would meet or exceed the 30% goal, that currently the contract was \$82,900,000 and they were meeting 25.6% of the MWBE goals which meant that they had allocated about \$21.2 million for MWBE contracts, that in order to meet the 30% goal they had to award at least \$7 million to MWBEs and they were only asking for \$11.4 million more so he was not sure that out of \$11.4 million that they were committed to award \$7 million in order to meet the overall 30% and there was some question whether 30% should be for the total amount or partial amount or whatever and his discussion with the MWBE Director, Ms. Velma Laws, who made it very clear that her understanding was that the goal was for the whole contract amount, that some of those issues were still out there so he would request that his colleagues support his request to delay for one week.

Mayor White asked Council Member Khan if he had meetings or discussions in the last week with someone in Aviation and Council Member Khan stated yes and Mayor White asked if Council Member Khan was asking for their game plan and strategy and was it not forthcoming and Council Member Khan stated yes or simply to come out and say they were not going to meet the MWBE goal, that for them to say they were going to meet or exceed 30% of MWBE goal upon completion of the contract was just something he did not see unless they awarded a huge portion of the additional amount to MWBE, which he was not sure if they were planning to do.

Council Member Galloway stated that the contract was not nearly finished and they were talking about less than a 5% goal to completion, that she did feel confident that they would meet or exceed the goal based on her research of the project and moved to suspend the rules to hear from Mr. Eric Potts, Airport Department, or if maybe Mr. Hall could assist them in responding, seconded by Council Member Ellis.

Mr. Hall stated that it was an issue and subject that had been discussed and were now on their third or fourth iteration of an MWBE ordinance first enacted in about 1982 and it could be confusing and complicated, that he would try and see if he could overcome that complication, that what the City did was to set goals for total City expenditures in broad categories, construction, professional services and their procurement, they set overall goals that the City Council adopts, then the department directors were charged with meeting those goals at the

end of every year so that specifically they determine that they would not be required to meet them either, on individual projects, because that was difficult, now to help facilitate that there was supposed to be an analysis and he was going through it because it had not been explained before, that there was an analysis of every contract based on the capacity that existed in the community to participate in that contract for setting a goal on individual contracts, that often contractors on the front end commit to companies in the contract to fulfill those obligations who were certified or would be when the contract was awarded, often it did not work out just that way there was a continuing effort to track them, as they called it, to make certain that the back end, as they called it, matched the front end, sometimes it did not work out that way, but for those of them who had supported that process over the years, the real goal was to assure that if they did not make it on this one, they had to find a way to up it on another one, so when they got finished at the end of the year that they had met that goal and Mayors, at least the last several, had made that a part of the evaluation of the effectiveness, so the Director, in meeting those annual goals, not on individual contracts but at the end, if the system was broken down such that there was failure on every contract along the way, obviously they were not going to get there and that was what obviously they would have to question a director about, so in short they put goals on individual contracts, but it was not unusual not to meet those and in some cases they went over because the charge to the director was really to be responsible for assuring that at the end of the day they had met the goal that the City Council had adopted at the beginning of the year. Council Member Berry absent.

Upon further discussion by Council Members, Council Member Green moved to remain in session past the noon hour for no more than 45 minutes to continue the Council meeting, seconded by Council Member Galloway. Council Member Edwards voting no, balance voting aye. Council Member Wiseman out of the city on city business. Council Members Goldberg and Berry absent. MOTION 2004-0490 ADOPTED.

After further discussion by Council Members, Mr. Hall stated that it was correct that Item No. 57 was intended to be the last of the contract, there were no other appropriations under the contract, that the 30% goal was set at the very beginning of the contract and several previous amendments ago, it may well be that they would not reach the 30% and thought it was very legitimate for Council Member Khan to inquire as to what their plan was going forward, what their reasons were for not meeting it and thought his calculations were reasonably correct for legitimate inquiry, that it was correct that they were required to tell Affirmative Action why they did not match the front end commitment and there were sometimes legitimate reasons for doing that but in the end he thought all of their interests were served in holding the department responsible for that front end goal to assure that the total allocation to those businesses in the community was in fact met.

After further discussion Council Member Khan withdrew his motion to postpone Item No. 57 and Council Member Sekula-Gibbs withdrew her second. A vote was called on Item No. 57. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0413 ADOPTED.

58. ORDINANCE awarding construction contract to **RAY SMITH CONSTRUCTION, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Two of the Dominion Estates Subdivision; approving and authorizing an assignment of the construction contract to **DOMINION COMMUNITY DEVELOPMENT CORPORATION**, CIP S-0800-81-03 and R-0800-81-03 (DPC-34) - **DISTRICT A - LAWRENCE - (This was Item 49 on Agenda of April 28, 2004, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0414 ADOPTED.
59. ORDINANCE appropriating \$1,100,000.00 out of Water & Sewer System Consolidated Construction Fund (Fund 755) for spending authority to address the Emergency Repair of the 72-inch Sanitary Sewer Line at N. Braeswood and the Bintliff Ditch for the Public

Works & Engineering Department - **DISTRICT C - GOLDBERG** - **(This was Item 58 on Agenda of April 28 2004, POSTPONED BY MOTION #2004-449)** - was presented. All voting aye. Nays none. Council Member Wiseman out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0415 ADOPTED.

- 59a. **INSITUFORM TECHNOLOGIES, INC** for Emergency Repair of the 72-inch Sanitary Sewer Line at N. Braeswood and the Bintliff Ditch for the Public Works & Engineering Department - **(This was Item 58A on Agenda of April 28 2004, POSTPONED BY MOTION #2004-449)** - was presented, moved by Council Member Ellis, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0491 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan stated that this afternoon they were to be having a meeting of their task force on contract for deed at the Annex Council Chambers at 3:00 p.m., that those who were interested in that topic were welcome to attend, that as they knew that had been an issue raised by ACORN and several people had complained about having lost their rights to property because of that. Council Member Goldberg absent.

Council Member Quan stated that he wanted to welcome all those people in town for the Offshore Technology Conference, that he knew the Mayor was present last night at the World's Energy Capital Partnership where they welcomed a number of Mayors from different parts of the world to Houston. Council Member Goldberg absent.

Council Member Quan stated that early voting was taking place at this time and would urge them to vote for Proposition 1. Council Member Goldberg absent.

Council Member Green stated that he wanted to recognize the Municipal Channel for participating in the Nuts and Bolts of Community Development that he held a couple of weeks ago at the George R. Brown, they did a great job and had taped the program which would start airing on Friday, that he wanted to thank the Municipal Channel and Ms. Carol Herrera for all of their efforts. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to thank the administration for following through on the commitment to put all the precinct locations on the website, that they tested it and it seemed to be working well, that she would encourage people to go and early vote because the precincts were collapsing on each other and they may not go to their normal precinct. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to speak on the All Star Game coming to Houston, that she thought that was great and appreciated the Super Bowl coming to Houston and would like to officially request that they look to taking the commitment to sports to the youth level and create a youth sports authority that would deal with the systemic programming of youth sports, that they had people coming to the public session talking about soccer fields and the lack of availability of soccer and baseball fields for young people to play ball on, that she would like to see the City Council start to make a real systemic effort at addressing youth sports in this town, that she would like to part of that effort if she could. Council Member Goldberg absent.

Council Member Edwards stated that she wanted to thank the Chair of the Flooding and Drainage Committee, that they were having their first stake holders meeting tonight at 7:00 p.m., they had good response from people who were participating, they were excited about being a part of the process, that she wanted to thank the Mayor for allowing for the process to continue and for the support he had given, that she thought they were going to come up with some very

exciting solutions to the problems, that within the next 30 days or so they should have a concrete program or plan to roll out. Council Member Goldberg absent.

Mayor White stated that the issue of how they organized or allocated the rights and responsibilities for getting youth sports facilities built was one that he thought deserved some attention. Council Member Goldberg absent.

Council Member Lawrence stated that yesterday it was noted that this was Arson Awareness Week and she wanted to give an update on Captain Walterbach who had been home for a little over a week and was doing fine and hopefully within a month or three weeks would be back to work, so she was very happy for him, that she stopped by Station 50 yesterday and the men were real excited about that. Council Members Galloway and Goldberg absent.

Council Member Garcia stated that he wanted to send kudos to Mr. Art Kidder who had been working with his office very closely on several projects and had really been helping to shore up some issues in the community and they had been getting great response and support from him. Council Members Galloway and Goldberg absent.

Council Member Garcia stated that last week he failed to mention that Mr. Johnny Mata, a long time community activist with LULAC was in the hospital and had undergone some Cancer related surgery and wanted to ask the community to keep him in their prayers. Council Members Galloway and Goldberg absent.

Council Member Garcia stated that he wanted to thank Mr. Robert Fiederlein, who helped them the other day in going out around the HEC Center where there were some Harris County Flood ditches that had been unkept and they were putting calls out to Harris County to help maintain the ditches because it was like a little jungle around the HEC Center and was causing several problems for the neighborhood and the area, that it looked like they were making some headway on it but part of it would not have been possible if Robert had not been willing to give up a Saturday to get out with the neighborhood and his staff to survey it first hand and plot it all out, that they kind of gave Harris County very little room to point the finger back at the City. Council Members Galloway and Goldberg absent.

Council Member Holm stated that she wanted to thank all the members of the City's team who helped bring the Project Cool to such a successful conclusion, that together they made a significant impact on part of the community that really had special needs.

Council Member Alvarado stated that she would like to thank everyone who came out to support the Dress for Success, that they had a lot suits that were donated and there was still time, the deadline was May 7, 2004, they had a dropoff on the first level of the City Hall Annex, that she wanted to thank Ms. Donna Kavekit, an intern, who put a lot of work into it. Council Members Galloway and Goldberg absent.

Council Member Sekula-Gibbs stated that she wanted to thank Council Member Garcia who co-hosted a townhall meeting with her in the Denver Harbor and Second Ward area, that it was a part of a series of meetings that they were hosting throughout the City to discuss access to health care and availability in the Denver Harbor area, that next month there would be two townhall meetings in Council Member Edwards district and she would be distributing flyers on that. Council Members Galloway, Goldberg and Quan absent.

Council Member Sekula-Gibbs stated that she had good news on Riverside Clinic, which had been shut for two years and wanted to thank the Mayor and Ms. Elena Marks for their hard work on reopening Riverside Clinic, that Mr. Issah Dadoush, Director Building Services, had taken it on as a priority, that Item No. 46 was not in today but understood that it would be in next week and that would begin the mold abatement and begin the process of renovating and restoring the building itself so that new clinic functions could be taking place soon and hopefully

it would be open by December 1, 2004, that it was a great goal and she hoped they could achieve that. Council Members Lawrence, Galloway, Goldberg and Quan absent.

Council Member Sekula-Gibbs stated that she just returned from Washington, D. C. where she was working on three issues, that she had an opportunity to visit with Dr. Betty Duke who was the administrator of the HERSA Division of Health and Human Services and talked to her about the need for more federally qualified health centers in the Houston area and expressed their goal of having 11 new clinics in place in Houston by 2006, that she applauded their enthusiasm and indicated that they had definitely shown a turn around in Houston in sending in tremendously qualified applications, that there was a deadline of June 18, 2004 for the applications so all those individuals and clinics in the Houston area who wanted to apply for HERSA Funding, Bureau of Primary Health Care Funding, should know that the new deadline was June 18, 2004; that it was her first time to visit the Pentagon and she had the privilege of visiting with the Assistant Secretary of the Army on Installations, Mr. Jeffrey Proach about the relocation of the Army, Navy and Marine Corp Reserve Units to Ellington Field and he underscored the importance of that and recognized the fact that Senator Hutchinson and Mayor White were very supportive of it and he said they appreciated the City of Houston's support and M. D. Anderson and University of Texas Health Science Center's interest in making the property transfer happen, that there was a discussion as well about the importance of establishing it as a joint reserve base and how it would play in keeping the 147th International Guard at the Ellington Field location; that she was able to visit with several Congressman and Senator's about NASA, Johnson Space Center. Council Members Galloway, Edwards, Ellis, Quan and Berry absent.

Council Member Khan stated that he wanted to thank Council Members Ellis and Quan and Controller Annise Parker for being a part of the townhall meeting they had on the pension plan last Monday, that he wanted to also take the opportunity to urge everybody to go out and vote, that early voting was going on and the election was on May 15, 2004 and it was extremely important that they all vote and approve the referendum. Council Members Galloway, Edwards, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he would like to request that the Mayor look into and maybe take an inventory of the departments and see whether they were top heavy and whether all the functions were coordinated properly and whether the efficiencies, which were essential for the best service, were there, that he thought an inventory would help them because there were a lot of changes going on with people leaving and some positions opening up and it may an opportune time to take that inventory and see where they were. Council Members Galloway, Edwards, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he wanted to extend his condolences to the Mayor and his family on the passing of his brother last Friday. Council Members Galloway, Edwards, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he wanted to extend his and his family's condolences to Mayor White and his family. Council Members Galloway, Edwards, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he wanted to wish everyone a happy Cinco de Mayo. Council Members Galloway, Edwards, Ellis, Quan, Sekula-Gibbs and Berry absent.

Mayor White stated that on behalf of he and his wife and his whole family he appreciated the support that he got from his colleagues, that it started from people who he did not know who were paramedics, that his brother was a minister of music at his church and was very spiritual and very converse in all of the major religious traditions of the world, that he wanted to thank them for their support. Council Members Galloway, Edwards, Ellis, Quan, Sekula-Gibbs and Berry absent.

Mayor White stated that he wanted to mention one thing as a matter of public policy, that at times they got caught up in the who was first to know stuff, that he was just thinking about some things that were going to occur in the next few days, that on the pension issue they got a lot of questions from people on what they planned to do, and based on wise counsel from Mr. Hall and others the last thing he wanted to do was perpetuate the practice of telling people that they were going to do stuff that they had not planned to do or having planned for or have not funded, so that was the last thing he wanted to do, over promise and under perform, even if it was for somebody in 2030 there were children and they were fiduciaries to them to, and so having said that at least the Police Pension System, when they were requested to give information to their actuaries they actually did it, he thought that would be usual, but not so with Municipal, and as a result of that he thought that they would have a picture pretty soon of what the business as usual would be and also the details of a plan, which there was no pride in authorship about, he would love to hear other sources of a plan, because of the fact that the Municipal Pension System, which of course ought to have all of this information available on computer immediately, certainly they had the staff expense to justify that, took a long time to get the information to Mercer that was requested they may be a little further behind on that, but at least in the case of one pension system there was not going to be, that a lot of those things were going to be transparent, now there may be negotiations, that he had never seen a successful negotiation with 50 cooks but he hoped that before the end of the week they would have some information on at least one of the plans concerning both the funding status using conservative, prudent assumptions, as well as a draft plan going forward, that he did not think people, whether they be municipal employees or police need have any fears, they had public leadership that was committed to fair and secure pension plans for the City and they were going to work expeditiously in order to try to accomplish those goals and then figure out what appropriate protections were available in the future in terms of both the governance and whatever other legal protections people may need so that they see their pensions secure, that he just wanted to say all that because they were dealing in real time in a lot of this stuff and his assumption was that as things occurred on an issue that was scrutinized so much that they would err in terms of transparency in providing information and so based on many inquiries based upon not doing so and he did not want any of his elected colleagues to be blind sided by information, that as they were talking about the issue going forward they were not going to solve everything in one day, one week or one hour and every person around the table was entitled to speak with their own voice to their own concious and to their own district, but they were so much more effective as a team and there was one idea that he would like to share with them as a team, that he believed passionately about, was that people who make critique any plan that the administration or anyone else came up with ought to come up with something that was realistic and reasonable and not punt way far in the future of how they bring the assets and the obligations in line, to him that was honest, to have something where they made promises and then they would figure out in 20 years how they would come them was not and they would hurt people and there would be some, he had already seen it, people who thought about patch work, that he was not saying they would solve everything in one year and thought if at least the people who criticized, because everything that they did on the issue could be criticized, and he was not just talking about the vote on May 15 but was talking about the plan to solve the problem, they ought to really put some pressure on what their plan was to solve the problem was, that did not mean using unrealistic assumptions and did not mean loading a bunch of obligations in 2010 to 2020, everybody could say to solve the problem tomorrow, but that was what they said to their firefighters and there were a lot of bills coming due tomorrow or five or ten years from now, that they would think better if they exchanged information but on this one point they should try to have a plan to bring those lines together, what they promised and what they had the ability to pay, if they hung tight on that point he thought they would represent both the public and the employee interests in a way that was very effective. Council Members Galloway, Edwards, Quan, Sekula-Gibbs and Berry absent.

There being no further business before Council, the City Council adjourned at 12:41 a.m. upon MOTION by Council Member Green, seconded by Council Member Alvarado. Council Member Wiseman out of the city on city business. Council Members Galloway, Edwards, Quan,

Sekula-Gibbs and Berry absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary

Russell, City Secretary